

1 ARAZ ALALI

2 off-duty employment. Is off-duty employment
3 employment with actually a private employer that is
4 compensated through the City?

5 A Yes.

6 Q And do you know whether or not there is
7 any limit on how much off-duty employment you're
8 allowed to perform?

9 A I believe if it's your days off, you can
10 work as many hours as you want. I believe when
11 you're working, I believe it's four hours past your
12 tour of duty.

13 Q Do you know whether there is any limit as
14 to how much off-duty employment you're allowed to
15 perform in any given week?

16 A I don't know the numbers now.

17 Q Have you ever estimated how much pecuniary
18 loss you've suffered as a result of not being
19 assigned to off-duty employment?

20 A I have looked into it. I don't have the
21 exact numbers with me.

22 Q Do you have estimates?

23 A No, I do not.

24 Q Let's go back to the departmental
25 overtime. Do you have estimates as to how much was

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2 lost as a result of not receiving departmental
3 overtime assignments?

4 A Say that again. That didn't make sense to
5 me. I'm sorry.

6 Q Okay. Sure. Can you estimate what your
7 pecuniary loss has been as a result of not receiving
8 departmental overtime assignments?

9 A No.

10 Q If you could just turn the page to the
11 next subparagraph D.

12 (Off the Record)

13 Q Officer Alali, do you have the top of the
14 page, Page 4?

15 A Yes.

16 Q It says, "Assigned for months at a time as
17 a dispatcher in the police department's
18 communications room."

19 Is that the circumstance you
20 testified to earlier this afternoon?

21 A Yes.

22 Q And can you estimate how many months you
23 were assigned to be dispatcher?

24 A Assigned for approximately six months and
25 I was only released from that dispatcher assignment

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2 after the EEOC was filed and served upon the
3 department. The very next day I was relieved of the
4 dispatcher assignment.

5 Q So would it be correct to say that you
6 were assigned to be a dispatcher for the six months
7 preceding your filing the EEOC complaint, is that
8 correct?

9 A Yes.

10 Q And do you know whatever happened to that
11 civilian complaint that was filed by the FedEx
12 driver?

13 A Yes.

14 Q What happened to it?

15 A Lieutenant Fortunato told me that that
16 complaint was unfounded.

17 Q Do you know whether or not the FedEx
18 driver started a lawsuit against the City of New
19 Rochelle?

20 A Not to my knowledge.

21 Q Do you know whether or not he filed a
22 notice of claim against the City of New Rochelle?

23 A Not to my knowledge.

24 Q Do you know whether or not he filed a
25 lawsuit against you?

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2 A Not to my knowledge.

3 Q Okay. Do you know what happened to the
4 charges that you filed against him?

5 A I was told by Edward Hayes that all of the
6 criminal charges were dropped because the police
7 commissioner went to the ADA's office and requested
8 them to be dropped, as well as all of the moving
9 violations were also dropped by the request of the
10 police commissioner.

11 Q Did you ever discuss that subject with the
12 police commissioner?

13 A No.

14 Q Do you know whether or not it's true that
15 the commissioner made that request to the district
16 attorney's office?

17 A I inquired into the district attorney's
18 office as well, and they said that all the charges
19 had been dropped.

20 Q Did they discuss with you the substance of
21 any communications that they had with the
22 commissioner?

23 A No.

24 Q Did the district attorney's office advise
25 you as to why the charges were withdrawn?

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2 A No.

3 Q Did you ask?

4 A I don't presently recall.

5 Q Do you recall who in the district
6 attorney's office you spoke to?

7 A I don't presently recall. Also, I was
8 told by Edward Hayes that the charges were dropped
9 as well as the moving violations.

10 Q So you were told by Edward Hayes and by
11 the district attorney's office?

12 A Yes.

13 Q And did Edward Hayes tell you why the
14 charges were dropped?

15 A I don't presently recall.

16 Q Who told you that the commissioner had
17 contacted the district attorney's office?

18 A I believe it to be Edward Hayes.

19 Q Did he tell you how he knew that
20 information?

21 A I don't presently recall.

22 Q Do you recall when you had this
23 conversation with Edward Hayes?

24 A During the time I was assigned -- during
25 the approximately six months I was assigned as a

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2 dispatcher. I don't know exactly when.

3 Q Can you estimate how -- withdrawn.

4 Can you estimate on how many
5 occasions each year a police officer is assigned to
6 work as a dispatcher?

7 A How many times a year?

8 Q Each year does that happen?

9 A I would have no idea. All I know is that
10 it is a civilian function and I don't remember any
11 police officer doing it for an extensive period of
12 time such as half a year.

13 Q Am I correct that you do recall that other
14 police officers have been assigned for some period
15 of time to do that?

16 A Some very short periods of time.

17 Q What's the longest period of time that you
18 can recall any police officer assigned to be a
19 dispatcher?

20 A I would say -- I don't know who, but when
21 a police officer is injured, for the period of time
22 they're injured or impaired, that would probably be
23 a longer period of time than when a civilian member
24 calls in sick.

25 Q Let's take a look at subparagraph E where

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2 it indicates, "Forced to work walking posts during a
3 midnight to 8:00 a.m. tour of duty."

4 When were you assigned to a walking
5 post on the 8:00 a.m. -- on the midnight to
6 8:00 a.m. tour?

7 A Again, when I was assigned to the midnight
8 tour, I don't presently recall the year. However, I
9 was assigned for months on that tour to walk a foot
10 post.

11 Q Where was that foot post?

12 A Wherever they deemed it to be that night.

13 Q So would that foot post change from day to
14 day?

15 A I don't know about day to day, but it was
16 different areas that I was walking. I don't know if
17 it was day to day or week to week.

18 Q But the location was variable?

19 A Yes, basically variable, yeah. I remember
20 one time that it was on Union Avenue on the corner
21 when it was snowing out. That's an area that's not
22 heavily populated at night. It's not on the police
23 post. There are some foot posts for the day tours,
24 not on the midnights. But that's not in the police
25 post book at all. Kind of an off the track area.

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2 I was told to stand on the corner of
3 Union Avenue while it was snowing out and not to
4 move from the corner. For no purpose.

5 Q Who ordered you to do that?

6 A That was Sergeant Jones and Sergeant
7 Gianatti.

8 Q And when did that occur?

9 A I don't have the dates, but when I was
10 assigned to the midnight tour.

11 Q What years were you assigned to the
12 midnight tour?

13 A I don't presently recall. It was early on
14 in my career.

15 Q Were you assigned to the midnight tour
16 during the years that you received standard
17 evaluations?

18 A I don't presently recall.

19 Q How long did you work the midnight tour?

20 A I don't presently recall, but I know the
21 incident that changed me. Walking the midnight tour
22 was the complaint -- supervisor complaint generated
23 by Sergeant Jones, which is a false complaint,
24 stating that I did not give him the reason for a car
25 stop. And then the second part of that complaint

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2 was the fact that I did not hand the complaint to
3 him in a timely fashion. That complaint was
4 forwarded to Captain Gazzola. Both parts of that
5 complaint were false. Captain Gazzola then
6 rescinded the complaint. Took it -- basically took
7 it back. Out and out perjury by Sergeant Jones on
8 that complaint.

9 That was the incident that put me
10 onto the eight to four tour shortly after that.

11 Q Whose decision was it to move you from the
12 midnight tour to the eight to four, as far as you
13 know?

14 A I'm not sure.

15 Q And do I understand correctly that Captain
16 Gazzola in effect took your side in this complaint
17 rather than Sergeant Jones' side?

18 A Not about taking sides, he had no choice.
19 I had PBA representative Neal Reynolds there at that
20 time. I had handed Neal Reynolds the reason why I
21 did the car stop as per Sergeant Jones' request, I
22 did that on my own time. I met him in the parking
23 lot at midnight when I was off, days before it was
24 due.

25 Because I knew that Sergeant Jones

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2 making me walk these foot posts in the snow, if I
3 personally handed it to him, there was a good
4 likelihood that he would say that I did not hand it
5 to him.

6 He also stated in part of his
7 complaint that I did not call out the car stop,
8 which I had. It was all recorded.

9 So I handed that piece of paper of
10 the reasons why. It was ridiculous that I have to
11 even state why I did the car stop to Sergeant
12 Jones -- excuse me, to Neal Reynolds to then give it
13 to Sergeant Jones. Even after that, Sergeant Jones
14 had written me up for not handing that in on a
15 timely fashion and not calling out the car stop.

16 I went to the communications room,
17 which is run by Detective Deandrea, and gave him the
18 date of the car stop, and he was easily able to pull
19 that up. I told him to show that to Captain
20 Gazzola. So it was not about taking sides.

21 Q The evidence was there.

22 A The evidence was clear and compelling.

23 Q Did you ever learn whether or not Sergeant
24 Jones knew you were of Middle Eastern descent?

25 A Yes.

1 ARAZ ALALI

2 Q When did you learn that?

3 A Since my employment there. By my name.
4 He was one of the sergeants that had called me --
5 now I'm recalling that we're talking about Sergeant
6 Jones -- had called me Ali. Would carry me on the
7 roll call as Ali. I told him not to address me as
8 Ali. My name is Mr. Alali. I believe in the
9 complaint to Captain Gazzola he referred to me as
10 Ali. So, yes, those are the indicators that would
11 lead me to believe that he knew I was of Middle
12 Eastern descent.

13 Q And other than what you've already
14 testified to, do you have any other reason to
15 believe that he was aware of the fact that you are
16 of Middle Eastern descent?

17 A The fact that he would force me to walk
18 these posts in the rain and snow at midnight, when
19 it's routinely not done at all, except as
20 punishment.

21 MR. LOVETT: Give me one second.

22 MR. MEISELS: Sure.

23 (Off the Record)

24 Q Officer Alali, when you first joined the
25 New Rochelle Police Department, what tour were you

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2 assigned to?

3 A I believe it was four to 12. When you
4 first join you have to rotate the tours. I believe
5 it was four to 12.

6 Q And do you recall when that changed?

7 A No. There is a period of time that they
8 would rotate you to the next tour. You have to be
9 exposed to all three tours. I don't presently
10 recall the date.

11 Q Do you recall when you were assigned for
12 the first time to midnight?

13 A No, I do not.

14 Q Do you recall when you were assigned to a
15 different tour other than midnights?

16 A I don't presently recall. I just know
17 that now I'm currently on the eight to four tour. I
18 don't know the dates that it shifted from one tour
19 to the other.

20 Q Do you recall how long you were assigned
21 to the midnight tour?

22 A I don't presently recall.

23 Q And during that period of time, do you
24 recall how often you were assigned to a foot post?

25 A Very frequently. For months.

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2 Q Now, was it snowing all the time you were
3 assigned to a foot patrol?

4 A No.

5 Q But it snowed on occasion when you were
6 assigned to a foot patrol?

7 A It snowed and rained, yes.

8 Q Is it your understanding that prior to
9 your being assigned to a foot patrol on the midnight
10 tour, that no other officer had ever been assigned
11 to a foot patrol on the midnight tour?

12 A That was exclusively set as punishment and
13 it would be for a few nights as a punishment. There
14 was no walking posts, so to speak, on that tour, on
15 the midnight tour.

16 Q So it's correct that you were the -- as
17 far as you know, the first police officer to be
18 assigned to a walking tour -- withdrawn.

19 Is it your understanding that you
20 were the first police officer to be assigned to a
21 walking post on the midnight tour?

22 A No.

23 Q No. Okay. So is it your understanding
24 that the other police officers had been assigned a
25 walking post on the midnight tour before you were

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2 assigned to a walking post on the midnight tour?

3 A For punishment purposes only. It's not a
4 routine function of the midnight tour to walk a foot
5 post.

6 Q Were those other officers officers of
7 Middle Eastern descent?

8 A I believe I'm the only Middle Eastern
9 police officer in the department.

10 Q Do you know whether or not any police
11 officers have been assigned to a walking post on the
12 midnight tour after you transferred from that tour?

13 A I don't know.

14 Q Can you identify which other police
15 officers were assigned to a walking post on the
16 midnight tour before you were assigned to the
17 walking post on the midnight tour?

18 A I don't presently recall.

19 Q You indicated that the assignment you
20 believe was for punishment, is that right?

21 A I know it to be for punishment.

22 Q Okay. Explain what the basis is for your
23 knowledge that it was punishment.

24 A The sergeants themselves tell you, let me
25 say initially there was no foot posts on midnight,

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2 on the day-to-day operation there are no foot posts
3 on midnight. Sergeants would call you in and tell
4 you you were being punished and walking a tour of
5 duty on the midnight tour, and, you know, they would
6 tell you that it's for punishment purposes.

7 Q Which sergeant told you that?

8 A Sergeant Jones, Sergeant Gianatti.

9 Q And did they tell you what it was
10 punishment for?

11 A No.

12 Q Did you ask?

13 A Yes.

14 Q And what did they say?

15 A They laughed.

16 Q Were both Sergeant Jones and Sergeant
17 Gianatti your supervisors on the midnight tour?

18 A Yes.

19 Q And who made the decision, as far as you
20 know, to have you walk the -- withdrawn.

21 Who made the decision, as far as you
22 know, to have you have a walking assignment on the
23 midnight tour?

24 A I don't know.

25 Q Do you have any reason to believe that you

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2 received that assignment based upon being a person
3 of Middle Eastern descent?

4 A Yes.

5 Q What is the basis for your belief that
6 this had something to do with your heritage?

7 A Due to the fact, again, when I was on that
8 tour I had the highest performance numbers on that
9 tour. And no reason was given as to why I was
10 walking that tour.

11 Q Now, when you indicate that there is no
12 walking post assigned on the midnight tour -- is
13 that correct, there is none?

14 A There is none. No, that's not a function
15 of the tour, to have a walking post, correct.

16 Q And what's the basis for your belief that
17 there is not a function of the midnight tour to have
18 a walking post?

19 A The fact that when I was there, no one
20 else was walking. It was -- people were assigned in
21 cars. The fact that when they put you on a walking
22 post, as I indicated, they said it was for
23 punishment. So I would not believe that a
24 punishment would be a routine assignment.

25 Q Is it written anyplace as to which tours

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2 have walking posts and which ones don't?

3 A I believe that roll calls that are
4 administered every day by the desk officer indicate
5 the walking posts, if there are to have one. Such
6 as midnights, it was -- there was no indication of
7 that. Periodically on the eight to four tours there
8 is. Sorry. The answer to your question, on the
9 roll call assignments.

10 Q Is that something that's in writing?

11 A Yes.

12 Q And do I understand you correctly that on
13 the roll call for the midnight tour, there was
14 nothing written about there being a walking post?

15 A Except me.

16 Q And do you know whether or not there was
17 anything written about a walking post before you
18 were assigned the midnight tour?

19 A No.

20 Q Do you know whether or not there is
21 anything written about a walking post after you were
22 transferred out of the midnight tour?

23 A No. Currently there is no one walking on
24 the midnight tour.

25 Q And currently there is no one walking on

1 ARAZ ALALI

2 the midnight tour?

3 A Right.

4 Q Can you estimate how long it's been since
5 you've been on the midnight tour?

6 A It would be bad guess.

7 MR. LOVETT: Don't guess.

8 A I don't know.

9 Q Let's go on to subparagraph F. Indicates,
10 "Forbidden for substantial periods of time to
11 operate a police vehicle."

12 Does that relate to the circumstance
13 you've already testified to about the civilian
14 complaint from the FedEx driver, or does it relate
15 to something else?

16 A That is -- for approximately the six month
17 period of time that I stated earlier.

18 Q Okay. Is that the same period of time
19 that you were assigned to be a dispatcher?

20 A Yes.

21 Q Does that relate to the civilian complaint
22 that was filed by the FedEx driver?

23 A It depends what side of the story you get.
24 If you get it from Fortunato or you get it from
25 Commissioner Carroll. Conflicting stories on that.

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2 Q Let's start with Commissioner Carroll.
3 What did he tell you?

4 A Stated it is because of a departmental
5 investigation.

6 Q And what did Lieutenant Fortunato tell
7 you?

8 A He did not have knowledge that it was
9 because of a departmental investigation.

10 Q And did Commissioner Carroll tell you
11 anything about it, other than what you already
12 testified to?

13 A No. Captain Gazzola also stated it was
14 because of the departmental investigation.

15 Q And did Captain Gazzola tell you anything
16 else about it, other than what you just testified
17 to?

18 A Well, besides issuing a standing order of
19 performing functions that are listed in this
20 complaint.

21 Q Did Lieutenant Fortunato tell you
22 anything, other than what you've already testified
23 to, about this -- about your being barred from
24 operating a police vehicle?

25 A No.

1 ARAZ ALALI

2 Q Does a person who is assigned to be a
3 dispatcher need a police vehicle?

4 A No.

5 Q Am I correct that you were barred from
6 operating a police vehicle for the same period of
7 time you were a dispatcher?

8 A Yes. Also, I'd like to add that I was not
9 allowed to take a police vehicle on my meal period
10 as well, and I had to be picked up and dropped off
11 and be picked up and dropped off.

12 And also a situation arose where
13 Edward Hayes and I spoke to Captain Gazzola in
14 regards to if I used my personal vehicle and there
15 was an accident, who would be liable, since I was
16 barred from using any police vehicles. If I use my
17 personal vehicle, I have the insurance under my
18 name. Although I was working as a police officer on
19 a tour of duty, I was barred from me using a police
20 vehicle even to get a sandwich.

21 Q So during that time that you were barred
22 from using the police vehicle, did you use your own
23 personal vehicle?

24 A Actually, no. I had some officers pick me
25 up and drop me off and I walked to a close-by deli.

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2 Q Is there a reason you didn't use your
3 personal vehicle?

4 A Because of liability reasons.

5 Q Is that liability any different from any
6 other time that you drive your own car?

7 A Yes. I'm working on a tour of duty in
8 uniform as a police officer driving a private
9 civilian vehicle. I think that's clearly different
10 than when I'm off duty driving my vehicle. I'm
11 doing it in the scope of my employment is the
12 difference.

13 Q Let's take a look at subparagraph G.
14 Withdrawn. Let me go back.

15 Did anyone ever tell you why you were
16 barred from using a police vehicle even when you
17 were taking a break or going out for a meal period?

18 A Yes.

19 Q Who told you that?

20 A Captain Gazzola, Lieutenant Debara,
21 Sergeant Wilson, Sergeant Brady, Sergeant Morel,
22 Sergeant Tierney.

23 Q Let's start with Sergeant Tierney. What
24 did she tell you?

25 A She stated that she received an e-mail

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2 from Captain Gazzola stating that I was to perform
3 the dispatcher function, I was to be used for
4 suicidal prisoners, not to work the street. Not to
5 have any interaction with the public. To do the
6 jail escorts and at no time to operate a police
7 vehicle.

8 Q Did you ever see a copy of the e-mail?

9 A I saw it -- she had it on the screen. I
10 do not have a photocopy of it. It was from Captain
11 Gazzola to her.

12 Q Did you ever ask Captain Gazzola why he
13 sent that e-mail?

14 A I asked Captain Gazzola, with Edward
15 Hayes, why there was a standing order to perform
16 those functions. He stated there was a departmental
17 investigation.

18 Q Did you ever ask Captain Gazzola why you
19 were prohibited from operating a police vehicle?

20 A Yes. I asked him for each and every one
21 of the items such as dispatcher, jail escort,
22 suicidal prisoner watch, dispatcher, and excluded
23 from operating a police department vehicle, he
24 stated it was because of a departmental
25 investigation.

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2 Q So, now, when you transported prisoners to
3 the county jail, how did you get there?

4 A When there are prisoners that go to the
5 county jail, it's a two-man operation.

6 Q Right.

7 A And whoever the other officer that was
8 going, generally a junior officer, they would drive
9 the vehicle.

10 Q You never drove the vehicle when you took
11 prisoners to the jail?

12 A No.

13 Q Moving on to subparagraph G where it
14 states, "Forbidden for substantial periods of time
15 to interact with members of the public while on
16 duty."

17 Does that reference the same six
18 months that you were assigned to be a dispatcher?

19 A Yes, dispatcher also with the other
20 functions, jail escort, suicidal prisoners watch.
21 Not just dispatcher. I was doing these other
22 degrading functions.

23 Q What is the function of the dispatcher,
24 what do you do?

25 A Dispatcher is, as we speak now, is being

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2 manned by civilians on all tours. As we sit here
3 right now, it's a civilian position in nature. I
4 received no training for being dispatch. Basically
5 giving cops assignments on where to go. Also, I
6 believe there is a 911 communication system
7 answering calls and inputting calls into the
8 computer so the cops can get the information they
9 need to get to their location safety. I had no
10 training on that whatsoever. Again, it's -- all
11 these functions such as dispatcher are civilian in
12 nature.

13 Q When you were the dispatcher, what did you
14 do?

15 A I was assisted by another civilian member
16 of dispatcher how to -- basically all I did was read
17 the screen and press a button and tell the cops
18 where to go. I didn't input it. I didn't know how
19 to input it. I didn't know how to do anything of
20 that. They just showed me a crash course on just
21 look at the screen, press the button and talk into
22 the microphone.

23 Q So your communication was with other
24 police officers?

25 A Yes.

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2 Q Did you ever communicate with members of
3 the public while you were dispatcher?

4 A No, I was barred from answering the phone.

5 Q Aside from the time that you were assigned
6 to be a dispatcher, have you ever been barred from
7 interacting with members of the public while you
8 were on duty?

9 A I don't presently recall.

10 Q Let's move down to subparagraph I where it
11 says, "Subjected repeatedly to investigations of
12 supposed wrongdoing under circumstances where no
13 wrongdoing occurred and defendant knew that no
14 wrongdoing had occurred." Do you see that?

15 A Yes.

16 Q Could you explain what investigations
17 you're referencing in that paragraph?

18 A There were many. The most recent
19 investigation was when I was put in the radio room
20 as a civilian, reduced to a civilian dispatcher, of
21 the wrongful arrest on the FedEx driver, when in
22 fact the captain, police commissioner, knew that
23 there was absolutely no violation of the law on my
24 part. The defendant violated the law. I had
25 absolutely done nothing wrong.

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2 However, they investigated that for
3 over six months. Like I stated to you, Lieutenant
4 Fortunato stated that the complaint of the FedEx
5 driver had no merit and it was unfounded.

6 The other instance I gave you was of
7 Sergeant Jones of what I stated earlier about not
8 calling out a traffic stop and not handing in a
9 reason of why I conducted a traffic stop. Captain
10 knew of that incident and took back the complaint.

11 And I remember when I asked the
12 Captain if I had -- there was an out-and-out lie,
13 that if Sergeant Jones had perjured himself and put
14 it on paper, what would be the consequences. He
15 didn't answer. I stated what happened if I had
16 perjured myself. Kind of smiled at that, didn't
17 give an answer.

18 There was other investigations but
19 these are the investigations that we're talking
20 about right now.

21 Q You mentioned the investigation relating
22 to the FedEx driver and you mentioned the one
23 concerning Sergeant Jones' allegations about failure
24 to call out a stop.

25 A And failure to hand him the reason for the

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2 stop in writing in a timely manner, which was done.

3 Q These are two separate investigations, am
4 I correct?

5 A Yeah. I believe when he wrote them up
6 they were two separate charges, Captain Gazzola.

7 Q So Sergeant Jones basically submitted two
8 separate charges related to the same incident?

9 A Right.

10 Q And that's an entirely separate incident
11 from the incident with the dispatcher, is that
12 right?

13 A Correct.

14 Q Now, other than those two incidents, do
15 you know of any other investigations that the
16 department conducted where you believed that the
17 defendants knew that you hadn't done anything wrong?

18 A There is numerous civilian complaints that
19 they knew that there was no wrongdoing on my part,
20 however, they had conducted investigations. On one
21 occasion, I believe, Lieutenant Fortunato had given
22 me a verbal reprimand on a civilian complaint which
23 had absolutely no merit and was false. And I'm sure
24 there are others, I just can't presently recall.

25 Q As you sit here today, can you identify

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2 any other particular investigations, other than the
3 two you've already mentioned?

4 A Other than the three? Lieutenant
5 Fortunato too.

6 Q What was that verbal reprimand for?

7 A He initially had modified it. It was a
8 reprimand on using the P.A. system. He stated it
9 was to be used for emergencies only. Situation was
10 an emergency in nature. He rescinded that and
11 stated that he -- can't exactly remember the
12 language of his complaint but basically to be nicer
13 to the public. Something to that effect.

14 Q When did that occur?

15 A I don't presently recall.

16 Q Do you remember what year it occurred?

17 A I don't presently recall.

18 Q Other than the three investigations you've
19 mentioned, the one involving FedEx driver, the one
20 involving Sergeant Jones and the one involving
21 Lieutenant Fortunato, can you think of any other
22 investigations that you were subjected to where the
23 defendants knew that you had done nothing wrong?

24 A There was another incident that comes to
25 mind with Lieutenant Shulman. I had arrested a

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2 defendant for criminal possession of a forged
3 instrument on a felony count. I had placed him
4 under arrest. Had his vehicle impounded.

5 When Sergeant Wilson showed up on the
6 scene, which was at North Avenue and Lovell Road,
7 and said that Lieutenant Shulman says to unarrest
8 the defendant and to release the vehicle. The
9 defendant already was handcuffed in the back of the
10 police car and the tow truck already had the
11 defendant's car on the tow truck and it was leaving.

12 Upon his, Sergeant Wilson's command,
13 I unarrested the defendant and released the vehicle
14 back to the defendant and he was on his way. Spoke
15 to Lieutenant Shulman about that. He said his
16 investigation was that on the daytime we're busy
17 doing school crossings, we can't arrest people for
18 forged instruments. That was something that should
19 be done exclusively on the midnight tour.

20 I explained to him that the law
21 doesn't have different hours of which the statute of
22 criminal possession of a forged instrument doesn't
23 have different hours which to effect an arrest, and
24 he stated -- and I had vouchered the defendant's
25 driver's licence, which he had altered and forged,

1 ARAZ ALALI

2 as evidence. I had generated a police incident
3 report regarding the incident. However, Sergeant
4 Wilson clearly stated it was wrong, but he was
5 outranked by Lieutenant Shulman.

6 That's just another one that comes to
7 my mind at this point that was an investigation of
8 wrongdoing. Defendant clearly had violated the law.
9 And secured the evidence that was ordered to by the
10 supervisor, Sergeant Wilson, to unarrest him and to
11 release the vehicle and send him on his way.

12 Q Was there any investigation conducted of
13 that incident?

14 A The investigation by Lieutenant Shulman on
15 that. And his investigation yielded the fact that
16 that type of arrest, the forged instrument, should
17 not be conducted on the -- between the hours of
18 8:00 a.m. to 4:00 p.m. This was all relayed to
19 Captain Gazzola and Captain Gazzola basically stated
20 that there are school crossings and other functions
21 during the day tour that are paramount.

22 Q Do you recall how long that investigation
23 was pending?

24 A I don't know.

25 Q Did it all occur in a matter of hours?

1 ARAZ ALALI

2 A I don't know.

3 Q Was the person who was arrested, was the
4 defendant released at the scene of the arrest?

5 A He was released in the middle of the
6 street, yes. As per the order of the sergeant.

7 Q So am I correct that Lieutenant Shulman
8 made a decision on the spot to have him released?

9 A Lieutenant Shulman -- Sergeant Wilson
10 stated it was Lieutenant Shulman who stated to have
11 him unarrested, and I confirmed that after -- I
12 released the defendant, I spoke to Lieutenant
13 Shulman, and he confirmed that.

14 Q Am I correct that this person was never
15 brought to headquarters?

16 A That defendant, like I stated earlier, was
17 released in the middle of the street, and so was his
18 vehicle.

19 Q And were you punished in any way for
20 having made that arrest?

21 A I don't presently recall, but I believe I
22 was on foot post after that. Walking post.

23 Q And at the time that you made this arrest
24 for criminal possession of a forged instrument, what
25 tour were you working?

1 ARAZ ALALI

2 A Eight to four.

3 Q And is it your recollection that after you
4 made that arrest you were assigned to a walking
5 post, but on the eight to four tour of duty?

6 A I believe so.

7 Q Were you assigned to a walking post on the
8 eight to four tour of duty before you made the
9 arrest?

10 A Yes, as a junior officer during the
11 holiday period. Other times of the year, if I was a
12 junior officer I would walk along with the other
13 junior officers.

14 Q And are foot posts common on the eight to
15 four tour of duty?

16 A At times.

17 Q Are foot posts customary on the eight to
18 four tour of duty?

19 A If there are enough manpower, I believe
20 so.

21 Q Other than the incidents you just
22 mentioned of the FedEx driver, the incident with
23 Sergeant Jones, the verbal reprimand from Lieutenant
24 Fortunato and the criminal possession of a forged
25 instrument arrest involving Lieutenant Shulman, can

1 ARAZ ALALI

2 you think of any other investigations that you were
3 subjected to concerning matters where the defendants
4 in this case knew that you had done nothing wrong?

5 A Yes. Investigation conducted by Captain
6 Gazzola where he stated that on the assignment that
7 I was given at North Avenue detail, that I was
8 writing summonses off post, off the area. The area
9 had been changed and modified from time to time.
10 The type of summonses that were being dispensed were
11 also modified at Captain Gazzola's discretion from
12 time to time.

13 Another investigation by Captain
14 Gazzola regarding the use of a camera that was put
15 into the car against my will, and notified him and
16 made him aware that the camera in a roll call with
17 other police officers present where he was asking
18 for feedback on the particular type of camera, which
19 is a Coband camera, and I told him that it logs off
20 frequently and doesn't work. I also gave him a
21 written memo on that as well as going in there with
22 Edward Hayes on at least two occasions, telling him
23 in his office the camera logs off.

24 They sent the camera out to repair,
25 police repair in Mamaroneck. Came back, it was

1 ARAZ ALALI

2 still defective. However, I was written up for not
3 using the in-car camera after they knew that the
4 camera was defective.

5 After being notified both verbally,
6 numerous times verbally, with other police officers
7 present, myself and Edward Hayes, and also with
8 written correspondence indicating that.

9 Q Now, in reference to the contention that
10 you were writing summonses in areas that were off
11 your assigned post, is that the subject of the
12 pending disciplinary hearing or is it a different
13 matter?

14 A No, it is.

15 Q It is. Okay. And in reference to the
16 alleged failure to use a camera, is that the subject
17 of a pending disciplinary hearing?

18 A Yes.

19 Q Now, are there any other instances where
20 you believe you were investigated by -- for doing
21 things that the defendants knew you had not done
22 wrong?

23 A Yes. The New Rochelle High School
24 crossing, the assignment that you cross at times is
25 referred to as crossing, at times referred to as

1 ARAZ ALALI

2 patrol, it's very vague on the specific assignment.

3 I have given out summonses for failure to yield to
4 pedestrians. Primarily for the safety of the school
5 children. And also the free flow of traffic for the
6 school buses, make sure they discharge students
7 safely. I have given summonses when it was
8 absolutely necessary to do so in connection with
9 that patrol or crossing and been reprimanded to
10 state that my job is not to give summonses out, it's
11 just to primarily be highly visible and just to
12 cross the kids. That was also the same scenario at
13 Ursuline School, which is at North and Lovell.

14 On some occasions, very rare
15 occasions, I would have given out summonses for
16 either a motorist going through a red light while I
17 was in the middle of the intersection trying to
18 cross kids or a failure to yield to the students.
19 And there was investigations regarding that when
20 there was no wrongdoing. They knew no wrongdoing
21 had occurred and they conducted investigations,
22 called me in on the investigations when other
23 members of the service do the same and issue a lot
24 more summonses on those posts. There's no
25 investigations.

1 ARAZ ALALI

2 Such as Kathleen O'Connor. She has
3 routinely had that post at the high school. She, on
4 a matter of routine, issues summonses at the high
5 school crossing. There is no investigations that
6 are conducted on her.

7 Q Now, in reference to the summonses at the
8 New Rochelle High School crossing, who conducted the
9 investigation?

10 A I believe it was -- I don't know who
11 initiated it but I believe all investigations get
12 forwarded to Lieutenant Fortunato of Internal
13 Affairs Division.

14 Q Do you know what the outcome was of the
15 investigation?

16 A Absolutely no wrongdoing there. I mean,
17 there was a legitimate summons, there shouldn't have
18 been an investigation initiated in the first place.
19 But that was -- I believe Captain Gazzola had
20 routinely made a matter of fact to review every one
21 of my summonses that was issued. So if he saw that
22 summons was issued at a high school crossing, an
23 investigation would be initiated as to why.

24 Q Do I understand correctly that after
25 Lieutenant Fortunato investigated it, he found you

1 ARAZ ALALI

2 had committed no wrongdoing?

3 A Correct.

4 Q So you were not punished in any way,
5 right?

6 A No, just began to investigate it when they
7 knew there was no wrongdoing had occurred.

8 Q In reference to the Ursuline school, who
9 conducted that investigation?

10 A As with all investigations, they get
11 funneled through to Lieutenant Fortunato. He's the
12 only member of the Internal Affairs Division. It's
13 a one-man unit.

14 Q What was the outcome of that
15 investigation?

16 A No wrongdoing.

17 Q So you were not penalized in any way?

18 A No. Again, subject to a departmental
19 investigation.

20 Q In reference to the investigation
21 concerning the FedEx driver, what was the outcome of
22 that investigation?

23 A There is nothing about a wrongful arrest.
24 However, a departmental hearing that's outstanding
25 at this time regarding other infractions of the New

1 ARAZ ALALI

2 Rochelle procedures.

3 Q In reference to the complaint filed by the
4 FedEx driver, what happened to that?

5 A Lieutenant Fortunato called me to his
6 office and stated there was absolutely no wrongdoing
7 in connection with that.

8 Q So you were not punished for that, is that
9 right?

10 A I was punished for being assigned to
11 dispatching position. I was on it for six months.
12 I was punished for being a jail escort, punished for
13 barring the use of departmental vehicles, punished
14 for watching suicidal prisoners. I was degraded and
15 humiliated by other members of the service.

16 Q How soon after Lieutenant Fortunato closed
17 the investigation were you then assigned to a
18 different job other than being the dispatcher?

19 A I don't presently recall. I do recall
20 that as soon as the EEOC notice was filed, I was
21 then put back on the street. Right after that
22 notice was filed. Shortly right after.

23 Q Do you know when Lieutenant Fortunato
24 completed his investigation and determined that the
25 claim was unsubstantiated?

EXHIBIT 28

1 ARAZ ALALI

2 recall presently, at this time, if it was on or about
3 January 7th.

4 Q Did you ever send him any kind of
5 memorandum or letter or written or other written
6 communication talking about persecution based on
7 heritage?

8 A As I just stated earlier, yes.

9 Q Do you recall when you did that?

10 A I don't presently recall.

11 Q Do you recall what year you did it in?

12 A I don't presently recall.

13 Q If you could just turn the page to
14 Page, 5, the top Subparagraph B, where it says, On
15 February 2nd advised Gazzola in a rebuttal. Do you
16 see that?

17 A Yes.

18 Q Did you have occasion to meet with
19 Captain Gazzola on February 2nd, 2007?

20 A I don't presently recall the date that
21 I met with him, but yes, I have met with him
22 specifically discussing this.

23 Q Am I correct you don't recall whether
24 you met with him on February 2nd, 2007?

25 A I don't presently recall.

1 ARAZ ALALI

2 Q Do you recall whether or not you met
3 with him on or about February 2nd, 2007?

4 A I don't presently recall the date.

5 Q Do you recall whether or not you ever
6 communicated with him in writing on February 2nd,
7 2007?

8 A I don't presently recall the date, but
9 I have communicated in writing exactly to what's
10 specified in B on Page 5.

11 Q I just missed the part of your answer.
12 Am I correct that you said you don't recall the date
13 you did that?

14 A I don't presently recall the date, but
15 however, I do recall that I met with him in person
16 and also given him memorandums advising him of
17 exactly what's described in B on Page 5.

18 Q Do you know what month you did that?

19 A I don't presently recall the date.

20 Q Moving on to Paragraph 10, do you see
21 where it says, as approximate result of Plaintiff's
22 expressions of concern, as evidenced by the preceding
23 Paragraph 9, Defendants agreed to punish him by
24 denying Plaintiff tuition reimbursement. Do you see
25 that?

1 ARAZ ALALI

2 A Yes, I do.

3 Q Okay. What is the basis for your
4 belief that the Defendants agreed to punish you, by
5 denying you tuition reimbursement?

6 A My belief is that PBA president Edward
7 Hayes [ph] had a discussion with Deputy Commissioner
8 Carroll, regarding the tuition reimbursement that was
9 exceeding \$10,000. And he told Edward Hayes, I'm not
10 going to pay Officer Alali's tuition.

11 Furthermore, I received a phone call on
12 my home, from the deputy commissioner on my voice
13 mail, stating he did not have the grades for that or
14 the letter that I submitted to him that I requested
15 to go to school, which I clearly had given him both
16 the grades and the letter, which I have copies of.

17 To date, to date, as I'm sitting here
18 before you now, tuition is still outstanding. It has
19 not been paid.

20 Q Has the City of New Rochelle made any
21 payments towards tuition reimbursement for you?

22 A A small partial payment and the way
23 that was reached is a mystery. But clearly, there's
24 an outstanding tuition balance that's approximately
25 \$10,000 as of date, as of today's date.

1 ARAZ ALALI

2 Like I said, it was told to Edward
3 Hayes, that for no other reason he's just not going
4 to pay my tuition, and he paid other officer's
5 tuitions.

6 Q How did you learn of this conversation
7 that was had with Edward Hayes?

8 A Edward Hayes had informed me of a
9 conversation, after I had brought it to his attention
10 with outstanding bills from Iona College, which was
11 grossly past due and affecting my credit, and he
12 addressed that with deputy commissioner who's in
13 charge of budgeting.

14 Q Now, earlier in your response you used
15 the title deputy commissioner, but then said Carroll.
16 Was that in error?

17 A If I said that, it's in error. The
18 deputy commissioner I'm referring to is Deputy
19 Commissioner Murphy.

20 Q Okay. You mentioned you received a
21 message at home from the deputy commissioner?

22 A Correct, on my home voice mail.

23 Q And I understand that he told you in
24 substance that he didn't have grades or letter
25 authorizing you to do what?

1 ARAZ ALALI

2 A He didn't have the grades for Iona
3 College.

4 Q Right.

5 A And furthermore, did not have a letter
6 authorizing me to go to Iona College, and I had
7 submitted both the grades, which I'm on the Dean's
8 List and also I a signed letter by him, by the deputy
9 commissioner, himself, authorizing me to go to
10 school.

11 So, then at a later time, I sat me down
12 with Edward Hayes and he came up with a number, that
13 both Edward Hayes and I ask how he came to, and we
14 don't know, that he's going to pay a small portion
15 and each officer had a different amount.

16 But to date, I still have an
17 outstanding balance with Iona College and it's
18 currently effecting my credit.

19 Q How much did the city of New Rochelle
20 pay to Iona College?

21 A I don't presently know. It was a small
22 amount. It was not close to the amount that was
23 owed.

24 Q What is the basis for your belief that
25 under the tuition reimbursement plan that they should

1 ARAZ ALALI

2 have paid the entire amount?

3 A Well, the very fact that he clearly
4 told Edward Hayes that he's not going to pay the
5 tuition, until he was then served after with a facts
6 of basically, of my counsel Lovett's memorandum of
7 not retaliating. Subsequent to that, he agreed to
8 pay a portion.

9 Prior to that, he flat out told Edward
10 Hayes, he told myself, that he's not paying any of
11 the tuition, whatsoever.

12 After he received the correspondence
13 from counsel Lovett, he had reached out to me on my
14 voice mail at home, stating that he did not have the
15 grades, nor had given the authorization to go to
16 college, which that is a flat out lie.

17 I had submitted the grades and also had
18 submitted the letter which he authorized with his
19 signature, that I can attend school, attend Iona
20 College.

21 Q After you received that voice mail
22 message, did you give him another copy of the grades
23 and the letter?

24 A I don't presently recall, but I
25 definitely had a conversation with him regarding

1 ARAZ ALALI

2 that.

3 I believe he said that he found the
4 letter and that he was going to pay. He came up with
5 a number, a small portion, of it. And when he was
6 asked by myself and Edward Hayes how he arrived at
7 that number, how he came up with that number, he
8 couldn't provide an explanation.

9 Q When you say a small portion, do you
10 mean less than half?

11 A I believe so.

12 Q Okay. Is there any documentation as to
13 what you're entitled to under the tuition
14 reimbursement plan?

15 A There is the letter that he authorizes,
16 that I generate, that they will pay the tuition, that
17 he sign off on.

18 That's basically a memo generated by
19 myself to the deputy commissioner, which he
20 authorizes. But understand this, that even prior to
21 paying that small portion, he had told Edward Hayes
22 and myself that he's not paying any of it and he only
23 paid a small portion after receiving the
24 correspondence from counsel Lovett that I was being
25 singled out, based on my heritage.

1 ARAZ ALALI

2 Q Okay. Mr. Alali, at the last sentence
3 on Page 5 and it goes over to Page 6, it says, by
4 reason of Defendants' intentional discriminatory
5 treatment of Plaintiff, he has been caused
6 substantial pecuniary damages. Do you see that?

7 A Yes, I do.

8 Q Can you explain what those damages are?

9 A Surely. The fact that I was falsely
10 rated below standards, barred and prevented me from
11 doing any type of overtime assignments, off duty
12 assignments, any type of mutual switches.

13 Q What would be the economic impact of
14 being able to have mutual switches, versus not being
15 able to have mutual switches?

16 A It would not be an economic impact for
17 mutual switches, however it would enable me to
18 alleviate child care issues that I would have at
19 home.

20 Q In reference to special off duty
21 assignments, do you know whether or not there's a
22 limitation as to how many hours a week a police
23 officer is permitted to work special, off duty
24 assignments?

25 A I know that there is a rule in place.

1 ARAZ ALALI

2 I don't know the exact hours, but I know that that
3 rules have also been bent, and officers have exceeded
4 whatever the amounted hours are.

5 For the past few years, I have not been
6 permitted to work any type of overtime or off duty
7 jobs, because of the false, below standards
8 evaluations.

9 Q Do you know how many hours are provided
10 for in the rule, regulating special off duty
11 assignments?

12 A As I said earlier, no, I do not know
13 the amount of hours.

14 Q Okay. Have you ever calculated your
15 financial loss, incurred as a result of not working
16 special off duty assignments?

17 A I don't presently recall if I
18 calculated that. However, I did suffer substantial
19 monetary loss, due to the fact that false, below
20 standard performance evaluations.

21 Q Is that as a result of not being able
22 to work special off duty assignments?

23 A That is correct.

24 Q Okay. Officer, I'm going to show you
25 what has been marked as Defendants' Exhibit B for

1 ARAZ ALALI

2 identification, and ask you if you can identify that
3 document?

4 A Yes.

5 Q Okay. Have you ever seen that document
6 before today?

7 A Yes, I have.

8 Q Okay. When did you first see it?

9 A I don't presently recall.

10 Q Okay. Did you receive this document at
11 your home?

12 A Yes, I did.

13 Q Did you respond to it in any way?

14 A I talked it over with counsel.

15 Q Did you have occasion to communicate
16 with Mr. Iarocci, after you received this letter?

17 A No.

18 Q Is there a reason that you didn't
19 respond to Mr. Iarocci?

20 MR. LOVETT: It's a yes or a no.

21 A Yes.

22 Q What was that reason?

23 A There's a -- handling this matter with
24 my counsel, because I was --

25 Q I'm going to show you what's been

1 ARAZ ALALI

2 pre-marked as Defendants' C for identification.

3 Officer Alali, is that a copy of the charge that you
4 filed with the EEOC?

5 A Yes, it is.

6 Q I'm going to show you what has been
7 pre-marked as Defendants' D for identification and
8 there's a copy for your counsel attached. Can you
9 identify Defendants' D for identification?

10 I'm going to withdraw that question and
11 rephrase it. Referring to Defendants' D for
12 identification, is that a copy of the charges and
13 specifications that are pending against you at the
14 moment?

15 A Yes.

16 Q Now, in reference to specification one,
17 it starts on Page 1, reckless operation of a
18 department vehicle, do you see that?

19 A Yes.

20 Q Were you offered a command discipline
21 in resolution of that charge?

22 A I don't presently recall.

23 Q I'm going to show you what's been
24 pre-marked as Defendants' E for identification. Here
25 is a copy for your counsel, and I'm going ask you if

1 ARAZ ALALI

2 you can identify that document?

3 A Yes.

4 Q Can you tell us what it is?

5 A It's an incident report on an assault.

6 Q And did you make an arrest in this
7 case?

8 A Yes.

9 Q Did that result in a civilian
10 complaint?

11 A I do not know.

12 Q And looking at the lower left hand
13 corner of the exhibit, is that a copy of your
14 signature?

15 MR. LOVETT: The first page?

16 MR. MEISELS: The first page, yes.

17 A It's a photocopy of it, yes.

18 Q It is. Looking at the lower, left hand
19 corner of the second page, is that a photocopy of
20 your signature?

21 A Yes.

22 Q I'm going show you what has been
23 pre-marked as Defendants' F for identification, and
24 ask if you can identify that document?

25 A No.

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2 Q Referring to the middle of the page,
3 where there appears to be a scrawl, is that your
4 signature?

5 A No.

6 Q Referring to September 10, 2006, did
7 you have occasion to be present at the Thruway Diner?

8 A I don't presently recall.

9 Q Have you ever been in the Thruway
10 Diner?

11 A Yes.

12 Q And referring back to the fall 2006,
13 were you ever in the Thruway Diner?

14 A I don't presently recall.

15 Q Did you ever have a dispute with anyone
16 in the Thruway Diner, concerning a discount on a
17 bill?

18 A No.

19 Q Did you ever threaten to arrest a
20 cashier because she wouldn't give you a discount on a
21 bill?

22 A No.

23 Q Did you ever threaten to arrest a
24 cashier for disorderly conduct because she wouldn't
25 give you a discount on a bill?

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2 paragraph?

3 A The reassignment that I was talking
4 about was being reassigned to the dispatcher
5 position, as well as -- primarily dispatcher, as well
6 as watching designated risk suicidal prisoners,
7 prison transporter and court officer assistance,
8 assisting court officers, New York State court
9 officers.

10 Q Did there come a time that you learned
11 that your reassignment was occasioned because of a
12 civilian complaint that had been filed against you?

13 A Depends who you talk to. Commissioner
14 Carroll had a stance on it, and Lieutenant Fortunato
15 had a different stance on it.

16 Q Is it correct that the commissioner
17 told you that the reason for the assignment was
18 because of a civilian complaint?

19 A Yes.

20 Q Did he tell you it that before or after
21 you gave him this document?

22 A After I gave him this document.

23 Q And did he tell you that in that
24 meeting that you had with him, the short time after
25 you gave him the document?

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2 A Yes, which Edward Hayes was present as
3 well.

4 Q And can you tell me in words or
5 substance what the commissioner said to you at that
6 meeting?

7 A Basically, that I had been reassigned
8 due to a civilian complaint, and I will be there
9 until the investigation is over.

10 Q And can you tell me in words or
11 substance what Mr. Hayes said at the meeting?

12 A Mr. Hayes stated and reaffirmed if, in
13 fact, there was a standing order from Captain Gazzola
14 stating that I had to perform specific tasks, such as
15 being a dispatcher, designated risk prisoner watch,
16 prisoner transporter, court officer's assistance, the
17 Commissioner did state there was a standing order and
18 that I had to perform those tasks while the
19 investigation was ongoing.

20 Q Did Edward Hayes say anything, other
21 than what you've already explained?

22 A I don't presently recall.

23 Q Can you tell us in words or substance
24 what you said at the meeting?

25 A Basically, that I was again, being

1 ARAZ ALALI
2 singled out due to my heritage. That I've been --
3 the standing order by Captain Gazzola was, once
4 again, a means to degrade and humiliate me.

5 I'm working hard. Took this
6 opportunity, under false complaint, to punish me and
7 to degrade me even further then he already has on
8 previous occasions.

9 Q Now, the civilian complaint that was
10 referenced, was that a complaint by Mr. Edwin Veras?

11 A That's what was related to me by
12 Lieutenant Fortunato.

13 Q Is Edwin Veras the Fed Ex driver that
14 we discussed in the first part of the deposition?

15 A Yes.

16 Q Do you know whether or not Mr. Veras
17 actually filed a civilian complaint against you?

18 A No, I do not.

19 Q Were you ever interviewed by the
20 Internal Affairs department in reference to a
21 civilian complaint, supposedly filed by Edwin Veras?

22 A Yes. I was interviewed and also told
23 that I had absolutely no wrongdoing in my encounter
24 with Mr. Edwin Veras and the arrest and the facts and
25 circumstance prior to the arrests were lawful. And

1 ARAZ ALALI

2 that was told to me by Lieutenant Fortunato and also
3 present was PBA president, Edward Hayes.

4 Q Was Edward Hayes present when you were?

5 A Yes.

6 Q On how many occasions did you speak to
7 Lieutenant Fortunato about the Edwin Veras complaint?

8 A Numerous times.

9 Q Was Mr. Hayes present on each occasion?

10 A Each and every occasion, yes.

11 Q As you sit here today, can you
12 distinguish between what was said in each one of
13 those different meetings you had with Lieutenant
14 Fortunato?

15 A No. Just that I was there for an
16 extended period of six months so, I had numerous
17 meetings on this false allegations. And prior to, I
18 would say, midway through this six month period,
19 approximately, Lieutenant Fortunato stated to myself
20 and Edward Hayes that I had committed no wrongdoing
21 with Mr. Veras, that investigation was over and
22 arrest was lawful and the facts and circumstances
23 prior to the arrest of Mr. Veras was lawful and he
24 had no problem with the outcome of Mr. Veras. And
25 that was, also, like I stated earlier, witnessed by

1 ARAZ ALALI

2 Edward Hayes with each and every meeting I had with
3 Lieutenant Fortunato.

4 However I did remain inside after the
5 investigation was over and we had spoken to
6 Commissioner Carroll, that the investigation was over
7 he acknowledged it was over, however kept me inside
8 for many months after the investigation was over. I
9 would like to make that clear.

10 And we went numerous times to
11 Commissioner Carroll and Lieutenant Fortunato and as
12 I stated earlier, it depends what stance you had.
13 Lieutenant Fortunato stated that this was not a
14 result, he did not have any knowledge that it was a
15 result of a complaint or a standing order by Captain
16 Gazzola.

17 Commissioner Carroll said the opposite,
18 and both times with meetings with Fortunato, numerous
19 times with meetings with Fortunato and Commissioner
20 Carroll, Edward Hayes was present to this as well.

21 This was only after the filing of the
22 EEOC, the first day that I had come back, was I put
23 back to resume normal duties.

24 Q Do you know when the Internal Affairs
25 investigation of a civilian complaint, filed by Edwin

1 ARAZ ALALI

2 Veras, was completed?

3 A I didn't know if Mr. Veras had filed a
4 complaint. I was just told that, through Lieutenant
5 Fortunato.

6 Q Am I correct that you were interviewed
7 a number of times by Lieutenant Fortunato?

8 A I believe so.

9 Q So, based upon that, was it your
10 impression that there was an investigation?

11 A Yes.

12 Q And do you know when the investigation
13 was concluded?

14 A When Lieutenant Fortunato stated it was
15 concluded.

16 As I stated earlier, several months
17 after me being let go after the EEOC filing by
18 counsel.

19 Q Referring to Defendants' O, you
20 indicated that, furthermore, I was given a direct
21 order by Lieutenant Debarras [ph]. Do you see that?

22 A Yes.

23 Q Do you recall receive any order from
24 Lieutenant Debarras, directly?

25 A Absolutely.

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2 and false evaluations, that I would only patrol main
3 streets. That's clearly not the case as indicated by
4 the areas of occurrence on my arrests and summonses
5 given through out the City of New Rochelle. Just
6 another fabrication on the administration.

7 Q And skipping two sentences, instead, he
8 chose to focus on main road and parkway off ramps.
9 Does that reference the same question as to where you
10 were focused and whether or not it was too focused on
11 highways and some other places?

12 A That's exactly what I stated earlier,
13 that the evaluating Sargeant in conjunction with
14 Captain Gazzola, had fabricated that, stating I
15 focused on main roadways and parkway off ramps.
16 That's a false statement. That's a distortion of the
17 truth.

18 Q And then the next sentence says, that
19 is a slanderous statement. Do you see that?

20 A Yes.

21 Q Can you explain what is there about
22 that statement that's slanderous?

23 A It's an out and out lie. I don't know
24 how else to put it. That's clearly supported by my
25 numerous summonses given in different areas of the

1 ARAZ ALALI

2 sector that I'm assigned, as well as arrests.

3 If you look at the next line, that's
4 clear. The fact that I had an arrest on Rombru Drive
5 for a burglary clearly shows the distortion of the
6 truth. That is a very highly residential area in the
7 north end of New Rochelle, that I affected a numerous
8 burglary arrests over there, shows that that is
9 nowhere near an on ramp or off ramp or main roadway.

10 It's a very excluded highway
11 residential area of north end New Rochelle, away from
12 any commercial establishments or on ramps or main
13 roadways.

14 Q Referring, turning to the second page
15 of the document towards the middle of the page, do
16 you see where it says, Sargeant Wilson then states
17 there were eight civilian complaints?

18 A Yes.

19 Q And then you indicate, I do not have
20 any knowledge of them. Was that accurate when you
21 wrote that?

22 A I didn't have knowledge of all eight
23 complaints, is accurate, yes. I might have knowledge
24 of a few, as I indicated with Mr. Veras, but not of
25 all eight complaints.

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2 That was then reworded by Captain
3 Gazzola to have been incorrect, and I don't know the
4 number he came up with, but it was less.

5 Again, that statement is a distortion
6 of the truth, and I wasn't made aware of the majority
7 of these complaints.

8 Q Now, the document then goes on to say,
9 it would only seem logical that if I was exonerated
10 from a complaint, that it should not have a negative
11 bearing on my evaluation. Do you know whether or not
12 you were exonerated on any of these complaints?

13 A As I stated earlier, the complaint, the
14 fictitious complaint that Mr. Veras had lobbied
15 against me, I was told by Lieutenant Marshall and
16 Captain Gazzola that I was exonerated, due to the
17 fact that I was on camera and even referenced to what
18 I stated earlier, a joke about it was not so bad
19 about being on camera after all.

20 Q Do you know whether any of those
21 complaints resulted in the finding that they were
22 unsubstantiated?

23 A I don't know, as I stated earlier, the
24 difference if it's synonymous, unsubstantiated or
25 exonerated. However, that was used against me in the

1 ARAZ ALALI

2 performance evaluation.

3 The fact that the number was not even
4 correct of complaints, and the fact that it was
5 either unsubstantiated or exonerated that I was being
6 rated below standard for such things, is wrong.

7 Q As far as you understand, is there a
8 difference between a complaint being unsubstantiated
9 versus being exonerated?

10 A To me, they both lead to the same
11 conclusion, that there was no wrongdoing on the part
12 of the officer that was involved.

13 Q I'm going to show you what's been
14 pre-marked as Defendants' S for identification and
15 ask you if you can identify that document?

16 A Yes.

17 Q Can you tell us what it is?

18 A It's a document communication by
19 Captain Gazzola to me, punishing me for a false below
20 standards evaluation in 2006.

21 Q Now, do you recall when you received
22 this document?

23 A On or about the date that's specified
24 in March 2007.

25 Q Have you, yourself, ever reviewed the

1 ARAZ ALALI

2 department's rules and regulations?

3 A Yes.

4 Q Do you know whether or not the
5 quotation here from the rules and regulations is
6 accurate?

7 MR. LOVETT: Your copy has a quote?

8 Q The quote is referenced by the bold
9 language?

10 A Can you rephrase that question, please?

11 Q Sure. Do you know whether or not the
12 material referenced in bold on this document,
13 accurately reflects the provision in the department
14 rules and regulations concerning the limitations on
15 your overtime work?

16 A I assume so, since I consulted with
17 Edward Hayes.

18 Q Did he advise you that these
19 limitations were provided for in the department's
20 rules and regulations?

21 A I believe so.

22 Q I'm going to show you what's been
23 pre-marked as Defendants' T for identification and
24 I'm going to ask you if you can identify that
25 document?

1 ARAZ ALALI

2 A Yes.

3 Q Can you tell us what it is?

4 A It is a communication from Captain
5 Gazzola to myself regarding his finding of
6 performance evaluation of 2006.

7 Q Do you recall when you received this?

8 A On or about March of 2007.

9 Q I'm sorry, on or about March 21st, did
10 you receive it?

11 A No. On or about March 2007. I don't
12 know the exact date.

13 Q Was it your understanding that Captain
14 Gazzola did amend the evaluation to indicate that you
15 had receive seven civilian complaints, not eight? Is
16 that correct?

17 A That's what it states in this
18 communication, yes.

19 Q I'm going to show you what's been
20 pre-marked as Defendants' U for identification, and
21 other than the handwritten notation on the top of the
22 first page indicating Copy, can you identify this
23 document?

24 A Yes.

25 Q Can you tell us what it is?

1 ARAZ ALALI
2 was asked about it, he said that's what he heard
3 through third party information.

4 Again, he also said there was a
5 tremendous amount of pressure put on him to write and
6 author something, due to Captain Gazzola leaning on
7 him to do something, which was Captain Gazzola's idea
8 for me to ride with him. So it's a bunch of fluff
9 and falsehoods in there, once again.

10 I further went and stated on the last
11 page, if I committed these nine departmental
12 infractions, why can't I be given one out of the
13 nine, authenticating it to be true. That was
14 depicted in my rebuttal letter.

15 They were unable to confirm or verify
16 one incident out of the nine that they stated I had
17 committed this, while I was with Sargeant Austin.

18 Q Could you turn to the fourth page of
19 the document, is that your rebuttal letter?

20 A Yes, it is.

21 Q And could you turn to the second page
22 of your rebuttal letter and looking at the second to
23 last sentence of the first paragraph, where it says,
24 based on my continual and consistent work ethic and
25 being the chief producer on the second tour, I have

1 ARAZ ALALI

2 developed the opportunity to identify both
3 unrighteous and admirable citizens?

4 A I'm sorry. I need to stop you. I
5 don't see that.

6 MR. MEISELS: I don't either.

7 Q It's the next to last page of the
8 document.

9 A Of my rebuttal?

10 Q Yes.

11 MR. LOVETT: Yes next to last page of
12 this Exhibit Z.

13 Q It's the first paragraph. On top it
14 says interdepartmental communication. Take your
15 time.

16 MR. LOVETT: Here, based on my
17 continual and --

18 MR. MEISELS: That's right.

19 A I got it.

20 Q Take a look at that. My question is,
21 can you explain what you meant by an unrighteous
22 citizen?

23 A Basically, I've developed the skills
24 throughout my law enforcement career, to identify
25 both perpetrators and citizens that are not

1 ARAZ ALALI

2 perpetrators of the law. Unrighteous is obviously
3 referring to perpetrators.

4 Q Based upon your training and experience
5 as a police officer, was it your understanding that
6 when you make an arrest that you should provide
7 someone with their Miranda rights before you
8 interrogate them?

9 A Prior to interrogation, yes.

10 Q I'm going show you what's been
11 pre-marked as Defendants' AA for identification and
12 ask if you can identify that document?

13 A Yes.

14 Q Can you tell us what it is?

15 A Command discipline report from 2002.

16 Q Okay. Now, turning to the bottom of
17 the page on the left hand side, is that a photocopy
18 of your signature?

19 A Yes.

20 Q And above your signature there's a
21 check mark next to the word, accept. Does that
22 indicate that you accepted this command discipline?

23 A Yes.

24 Q And was that a letter of reprimand that
25 you received?

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2 A Yes. I was told if I didn't accept it
3 charges would be preferred against me. Although,
4 what's in this summary of investigation is
5 untruthful, I was told to accept the letter of
6 reprimand, being that it's a letter of reprimand,
7 otherwise charges would be preferred against me, and
8 I was destined to lose.

9 Q Who told you that?

10 A Captain Gazzola. That was early on
11 with my career with the New Rochelle Police
12 Department.

13 Q At the time that you accepted this
14 command discipline, were you seeking a transfer to a
15 different police department?

16 A I don't recall the time I was, but
17 early on in my career I was, due to the fact that I
18 was being harassed and persecuted based on my
19 heritage. I wanted to get out of a hostile and
20 unfair work environment.

21 Q Did you apply for a transfer to any
22 other police department in 2002?

23 A What I presently recall, I had resumes
24 out early on in my career. I don't presently recall
25 if it was in 2002 or shortly there after.

1 ARAZ ALALI

2 Q When you sent those resumes did you
3 provide cover letters?

4 A I don't presently recall.

5 Q Did you keep copies of your
6 correspondence from 2002?

7 A Correspondence, my resumes? I should
8 have copies of them.

9 Q Did you keep copies of your cover
10 letters that accompanied the resume?

11 A I don't recall if I had a cover letter.

12 Q Do you know which departments you sent
13 those resumes to?

14 A Basically, within Westchester County,
15 numerous departments, in hope to the get out of this
16 incredibly biased work environment.

17 Q When you prepared an application for
18 employment with another department, is it sufficient
19 just to mail another resume?

20 A I wouldn't call them applications, I
21 would call them resumes. There's no applications,
22 per say.

23 Q Have you ever actually filled out an
24 application for employment with another police
25 department, after you joined the New Rochelle Police

1 ARAZ ALALI

2 Department?

3 A Yes. As I indicated earlier, Town of
4 Mamaroneck and Westchester Police Department. I had
5 done background investigation, not applications.

6 Q Do you recall what year you did that
7 in?

8 A No, but it was after 2002. But also,
9 other resumes went out to other departments, besides
10 those two.

11 Q I'm going to show you what's been
12 pre-marked as Defendants' BB for identification, and
13 ask you if you can identify that document?

14 A Yes.

15 Q Can you tell us what that is?

16 A A letter of reprimand from Captain
17 Gazzola to me, in the form of an interdepartmental
18 communication.

19 Q Now, in reference to that discipline
20 that you accepted in December of 2002 and received
21 this letter of reprimand, did you ever consult with
22 your PBA representative about it?

23 A I don't presently recall, but like I
24 stated, it was told to me by Captain Gazzola that
25 it's only a letter and to fight it I was destined to

1 ARAZ ALALI
2 lose numerous vacation days numerous vacation days.
3 I was basically strong armed to sign. As I stated,
4 the facts and circumstance in the command discipline
5 are not true, however I was told basically, that I
6 strongly urged to sign the letter of reprimand and
7 influenced to do so.

8 Q Did you seek advice from anyone else
9 other than Captain Gazzola about what you should do?

10 MR. LOVETT: Objection as to form. You
11 can answer.

12 A I don't presently recall.

13 Q Did you ever have occasion to discuss
14 any grievances you might have with PBA president
15 Pajoli [ph]?

16 A It's a long time ago. I do not
17 presently recall.

18 Q Do you recall what years Officer Pajoli
19 was president of the PBA?

20 A No. I do remember when I started he
21 was PBA president. I don't know how much longer
22 after he was president of the PBA.

23 Q Did he ever attend any meetings that
24 you had with Captain Gazzola?

25 A It was such a long time ago, I do not

1 ARAZ ALALI

2 presently recall.

3 Q I'm going to show you what's been
4 pre-marked as Defendants' CC for identification and
5 ask you if you can identify that document?

6 A Yes.

7 Q Can you tell us what that is?

8 A Again, another false command discipline
9 report generated by Sargeant Gionnati [ph] in the
10 beginning of my career with New Rochelle Police.

11 Q And referring to the lower left hand
12 corner of the first page, does that appear to be a
13 xeroxed copy of your signature?

14 A Yes.

15 Q Did you check off the box that says,
16 accept the finding and the proposed disciplinary
17 action?

18 A Yes. Again, after being told by
19 Captain Gazzola that it's only one day leave, that I
20 was going to be taking and if I fought it, I would be
21 destined to lose in a hearing which the commissioner
22 appoints a hearing officer and made a reference that
23 it was a kangaroo court.

24 Q Did you have occasion to discuss this
25 with your PBA representative before you signed it?

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2 A I don't presently recall. It was in
3 the beginning of my career. It was a long time ago.

4 Q At the time that you agreed to this
5 command discipline, were you seeking a transfer to
6 another department, other than the New Rochelle
7 Police Department?

8 A I don't presently recall.

9 Q I'm going to show you what's been
10 pre-marked as Defendants' DD and ask if you can
11 identify that document?

12 A Yes.

13 Q Can you tell us what that is?

14 A It's a command discipline report that I
15 was, again, urged to take. It was a call of kids
16 trapped in a burning car.

17 There was a -- they stated Captain
18 Gazzola states, whether that it's your fault or not
19 your fault, that for all motor vehicle accidents you
20 are going to get a letter of reprimand.

21 Again, this was early on in my career,
22 and it was a very serious call of kids trapped in a
23 burning car, and they urged me to respond code three.

24 In my career, I don't think I've had
25 more than this one call, maybe a few to respond code

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2 three and there's no damage to the vehicle, the
3 police vehicle, whatsoever.

4 But like I said, it was routine and
5 customary to give a letter of reprimand for any type
6 of accident that involve police car whether it's your
7 fault or not your fault. That's the department
8 routine.

9 Q This accident, did it involve a
10 civilian's vehicle or another police vehicle?

11 A My vehicle with a civilian vehicle. My
12 police vehicle with a civilian vehicle.

13 Q Your police vehicle hit a civilian
14 vehicle?

15 A The civilian vehicle hit my vehicle,
16 struck my vehicle.

17 Q Were you proceeding the wrong way on a
18 one way street?

19 A No.

20 Q Were you making a U-turn?

21 A No.

22 Q How did the accident happen?

23 A The civilian was speeding and wouldn't
24 stop for my lights and sirens. And Sergeant Myron
25 Joseph who is an accident investigator, measured the

1 ARAZ ALALI

2 skid marks of the civilian vehicle who was speeding
3 into the yacht club at the time.

4 Like I said, there was actually no
5 damage to the police vehicle, which was my vehicle.
6 There's not even a scratch on the car, but I was told
7 that it's the New Rochelle Police Department's matter
8 of routine that whether it's your fault or not your
9 fault, you get a letter of reprimand for any type of
10 accident involving a police vehicle, and I was urged
11 again to sign it by Captain Gazzola. And it was also
12 sent, like I said on a code three call, kids trapped
13 in a burning car.

14 Q Did this accident occur on Nautilus
15 Place?

16 A I don't recall exactly the location of
17 the accident.

18 Q Do you know if Nautilus Place is a one
19 way street?

20 A I do not know that. I don't know.

21 Q Did you consult with a PBA
22 representative before you signed this?

23 A I don't presently recall.

24 Q Did you consult with anybody before you
25 signed it?

1 ARAZ ALALI

2 A I don't presently recall.

3 Q Did you ever discuss this with Joseph
4 Pajoli before you signed it?

5 A I don't presently recall.

6 Q I'm going to show you what's been
7 pre-marked as Defendants' EE for identification and
8 ask you if you can identify that document?

9 A It's another command, false command
10 discipline against me.

11 Q And is it one that you agreed to?

12 A Again, under the same pretext that it's
13 a letter of reprimand. If I did not, I would be
14 entering into a kangaroo court, where a hearing
15 officer is appointed by the commissioner, and I would
16 lose substantial amounts of vacation and leave time.

17 So, I was urged to sign this as a
18 letter of reprimand.

19 Q Did you discuss it with anyone before
20 you sign it?

21 A I don't presently recall. Perhaps I
22 discussed it.

23 MR. LOVETT: Don't guess.

24 A I don't presently recall.

25 Q Did you discuss it with police officer

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2 Edward Hayes before you signed it?

3 A I don't presently recall.

4 Q Did you seek advice from anybody before
5 you signed it?

6 A I don't presently recall. Advice was
7 given to me by Captain Gazzola to sign it as a
8 letter, only. And as I stated, if I declined, I
9 would lose substantial -- whether the fact or
10 circumstances, again, of the complaint are
11 untruthful, that I would be definitely losing some
12 substantial leave time, because they would be
13 appointing a hearing officer, and I would be entering
14 into a kangaroo court.

15 Q At the time that Captain Gazzola
16 represented that to you, was your PBA officer
17 present?

18 A I don't presently recall.

19 Q Earlier today you mentioned that PBA
20 President Hayes often accompanied you on meetings
21 with Captain Gazzola, is that right?

22 A When I was issuing the communications,
23 yes.

24 Q And when you issued this communication
25 of accepting this, was he present?

1 ARAZ ALALI

2 A I didn't issue the communication. I
3 had received a communication. Captain Gazzola issued
4 it. I didn't issue this communication.

5 Q Where were you when you signed this
6 letter?

7 A In Captain Gazzola's office.

8 Q And do you recall if anyone else was
9 present, besides you and Captain Gazzola?

10 A I don't presently recall.

11 Q In reference to the summary of the
12 investigation, are you familiar with the incident
13 that gave rise to this discipline?

14 A Yes.

15 Q What happened?

16 A There was an investigation generated by
17 Lieutenant Fortunato which was modified several
18 times.

19 He had put in the investigation that
20 use of a PA system, the public address system, is
21 only to be used in emergencies.

22 The incident involved a -- and wanted
23 to basically issue a command discipline for such and
24 this was an emergency situation.

25 Again, there were -- after I told --

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2 they knew the facts and circumstances of the case,
3 they then reluctantly modified it, and it's
4 untruthful that it states that I was discourteous and
5 unprofessional to the motorist.

6 I exercised great restraint. The
7 motorist left after I had conducted a traffic stop,
8 and I had to pursue the motorist and get back in the
9 vehicle. I exercised great restraint by not and
10 placing the motorist under arrest.

11 Q What PA system are you referring to?

12 A Inside only some of the cruisers, other
13 cruisers, there have been a lot of cruisers that PA
14 systems have been pulled out, as have the AM FM
15 radios.

16 On my vehicle, car 18, has been cut out
17 by the order of Captain Gazzola. This particular car
18 I was fortunate enough to have a PA system on the
19 front of the car that directs a motorist to do what
20 you want them to do.

21 Q What did the motorist claim you said
22 over the PA system?

23 MR. LOVETT: Objection as to form.

24 A I don't know what they claim to say, I
25 was not privy there, when Lieutenant Fortunato was

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2 interviewing or interrogating, however you want to
3 put it, the motorist. I just know what I said was
4 for the motorist to pull to the right of the roadway.

5 Q Do you know of the nature of the
6 discourteous and unprofessional conduct was alleged
7 to be?

8 A No, I do not.

9 Q No one ever told you that?

10 A No.

11 Q Did you ever ask?

12 A Yes.

13 Q Who did you ask?

14 A Lieutenant Fortunato.

15 Q And what did he tell you?

16 A He stated that the motorist claimed
17 nothing that was discourteous, but I had taken her
18 keys away from her and thrown them on the bushes,
19 which was clearly untrue. I took the keys away from
20 her and placed them on the hood of my vehicle,
21 because she had left after, as I indicated earlier,
22 conducted a traffic stop.

23 I asked her for her license and
24 registration and she left the traffic stop, after I
25 was speaking to her. So, when I had to pursue her

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2 with the use of the PA system, I had to take the keys
3 away from her because at this time I didn't want her
4 to leave a second time.

5 The keys were not thrown in the bushes.
6 They were not lost. They were placed on the hood of
7 my cruiser, which is customary on that type of a
8 traffic stop, for my safety as well as hers.

9 Q I'm going to show you what was
10 pre-marked as Defendants' FF for identification and
11 ask you if you can identify that document?

12 A Oh, yes.

13 Q Can you tell us what that is?

14 A A command discipline that was upped by
15 Captain Gazzola from one day to two days, in his
16 terms, for the egregious violation of parking in
17 front of Dunkin Donuts to pick up their coffee,
18 meaning the desk officer and the civilians.

19 As a matter of routine, if you look at
20 the summonses that were issued in front of Dunkin
21 Donuts, they tell us that they, meaning Gazzola,
22 Carroll, do not issue tickets there they get coffee
23 there. So there's routinely, there's no tickets
24 issued there. There are police cars that are parked
25 in front, in case of emergency, they have easy access

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2 to get out because it's a very congested parking lot.

3 I was written up for one day, but he
4 said this was an egregious violation and demanded two
5 days leave. At this time, I clearly remember I
6 thought I was going to the county police department,
7 which I was given the green light to go there and
8 completed my background and they were ready to hire
9 me. And I was told if I fought this, there were
10 would be charges against me, that would hinder me
11 from going to county.

12 I told them this was ridiculous, as did
13 President Edward Hayes. No one else that we know of
14 in the history of the police department has been
15 written up for parking in front of Dunkin Donuts, yet
16 alone lost two vacation days.

17 He stated if I wanted to get out of
18 here, I would sign this. So, I initially, you know,
19 I mean it's clear I wanted to get out of there. I
20 was told, like I said, he upped it. He said I'm a
21 captain, I can do that. He upped it to two days. I
22 thought again, it was unjust, and I was being singled
23 out once again, based on my heritage.

24 Q When you say upped it two days?

25 A He doubled it, yes. It was initially,

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2 one day was prescribed. When I went to him, he said
3 I was captain of patrol. It's an egregious
4 violations and I'm upping it to two days, so it
5 doubled the penalty. He recommended two days and I
6 was, again, I thought I was out to the County Police
7 Department, but apparently I was told if I didn't
8 sign and accept it, that that would hinder me from
9 going.

10 There was nothing else I wanted more
11 than to get out of this incredibly biased work
12 environment.

13 As you can see, no one else that I know
14 of has been ever written up or Edward Hayes and he's
15 been there for 17 years that were written up for
16 parking in front of Dunkin Donuts to pick up the
17 coffee that they sent me to pick up.

18 Q Did consult with a PBA representative
19 before you signed this?

20 A Yes, I did.

21 Q Who?

22 A I consulted with Edward Hayes on this.

23 Q What did Mr. Hayes advise you on this?

24 A He recommended that due to the fact
25 that I was leaving to the County, this was at the

1 ARAZ ALALI

2 point in time that I was supposed to be leaving, to
3 put this all behind, that if I fought it although it
4 was right to do, that they were prefer charges
5 against me, that the county, at that time, would not
6 hire me.

7 In an effort to get out of this
8 department, you know, to put this all, this
9 nightmare, horror story behind me, I accepted the
10 loss of two days for something that was completely,
11 you know, out of line and never happens in the City
12 of New Rochelle for parking on Dunkin Donuts which
13 happens every day.

14 Supervisor's vehicles are in front.
15 Patrolman's vehicles are in front. Supervisors are
16 there with patrolmen sitting down having coffee in
17 front of Dunkin Donuts.

18 I was getting humiliated and
19 embarrassed and laughed at by all members of service,
20 but again, I accepted it because I wanted to go to
21 the county police in the worst way to alleviate the
22 pain I was suffering in this department.

23 Q Was it Mr. Hayes' advice in substance
24 that if you had a hearing an were convicted of
25 blocking the driveway of Dunkin Donuts you wouldn't

1 ARAZ ALALI

2 be fit for --

3 A I wasn't blocking of driveway of Dunkin
4 Donuts.

5 Q What was the allegation?

6 A I was in a no parking any time in front
7 of Dunkin Donuts. There's no blocking of any
8 driveway.

9 And Edward Hayes' recommendation was
10 this was -- he's never seen anything like this, but
11 he saw the bias and prejudice against me and it was
12 best for me to move on to the county police
13 department.

14 And if I declined it and had a hearing,
15 the county at that point would not want to hire me,
16 which was ironic, they didn't hire me anyway, because
17 one of the administrators in the city of New Rochelle
18 giving me a false and fictitious recommendation.

19 Q So, was it Mr. Hayes' advice to you, in
20 his capacity as PBA president, that if you had a
21 hearing and were convicted of parking illegally in
22 front of Dunkin Donuts you would not get hired by the
23 County of Westchester?

24 A That's not accurate. Mr. Hayes'
25 recommendation was, that at this very time that I was

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2 getting served with this complaint, that if I were to
3 decline, the department would then prefer charges
4 against me that could take many months. The county
5 police department would not hire me with outstanding
6 charges against me.

7 Just for the record, that egregious
8 violations is a \$25 parking ticket. He had joked and
9 said, do you want to take the \$25 parking ticket or
10 two days vacation, as a matter of being, I guess, a
11 joke that at the same time was egregious.

12 Q Earlier you mentioned that you thought
13 that someone had given you a bad reference concerning
14 your application for employment with the County of
15 Westchester Police Department, is that right?

16 A And the Town of Mamaroneck Police
17 Department.

18 Q Okay. Did you ever see a copy of that
19 reference that you believed to be bad?

20 A I believe it was a phone call. It
21 wasn't any letter written. I believe it was a phone
22 call by Captain Gazzola.

23 Q Did anyone in the county police ever
24 tell you that they received a bad reference from
25 someone in the New Rochelle Police Department?

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2 A No. I was told by the county police, I
3 was set to start working there. My background was
4 cleared and they hired other officers that went to
5 the county police after I did. And I didn't end up
6 getting the job. Other officers, meaning other
7 officers from the City of New Rochelle that got
8 hired.

9 And the same exact thing happened with
10 the Town of Mamaroneck. It's a very small police
11 department. Approximately three to four officers,
12 four officers got hired from the City of New Rochelle
13 for that small department, after I was told I was
14 going to get the job as well.

15 Q Did anyone from the Town of Mamaroneck
16 Police Department ever tell you that they received a
17 bad reference from someone in the New Rochelle Police
18 Department?

19 A I was told that there was no guarantees
20 I was going to get the job, after I was told I was
21 going to get the job.

22 Q Did Captain Gazzola ever tell that you
23 he had given you any kind of reference or any kind of
24 transfer?

25 A Captain Gazzola stated that he knew

1 ARAZ ALALI

2 that I had interest in the Town of Mamaroneck and
3 County Police Department and that's all he stated.

4 Q I'm going to show you what's been
5 pre-marked as Defendants' GG for identification and
6 ask you if you can identify that document?

7 A Yes.

8 Q Can you tell us what that is?

9 A Again retaliatory strike by Captain
10 Gazzola, initiating a complaint against me when there
11 was a series of 1013 call which is officer needs
12 assistance.

13 At this time, Officers Murphy and
14 Officer Lori had a Reverend on a ride-a-long, with a
15 civilian member of service. They encountered a very
16 irate individual who they were trying to arrest.

17 They called for a 1013 call. I then
18 went to their assistance to help affect the arrest.

19 Captain Gazzola states there were no
20 civilian complaint. They were routinely checking my
21 camera and found that, in his opinion, I drove at a
22 high rate of speed to this call, which was not
23 necessary. I view that obviously to be a necessary,
24 when officers are calling for help. It's probably
25 one of the highest calls you would receive in a

1 ARAZ ALALI

2 police department.

3 Furthermore, I had -- he also said he
4 was very upset that I didn't acknowledge at, some
5 point, that what they stated, which I didn't hear,
6 that they said to slow down, to slow it down to the
7 call.

8 I did not -- he was upset that I did
9 not acknowledge. I told him I didn't hear it. He
10 subsequently cut my AM FM radio out of my car to
11 punish me and degrade me once again. I was the only
12 officer in the entire department without a radio in
13 the car.

14 He had sent a car down to the city
15 yard, which is a place that services the vehicle. I
16 had to stand by while the mechanics took my vehicle
17 and cut the wires to my AM FM radio, as per Captain
18 Gazzola's order as means to punish me.

19 I was the only member of service not to
20 have an AM FM radio and that was discussed by Edward
21 Hayes and Captain Gazzola laughed and stated I was
22 not going to get a radio in the car.

23 Q Was your radio on when you didn't hear?

24 A I have audible lights, I'm sorry,
25 audible sirens and overhead lights on. As I said, it

1 ARAZ ALALI

2 was a very serious call.

3 I did recognize that Officer Murphy and
4 Officer Lori had a reverend in the car, a civilian
5 member, not only were their safety and lives in
6 jeopardy with a drug induced defendant, so was a
7 civilian member of service and me, being very close
8 by, I would do it all over again as far as assisting
9 an officer and civilian in need, and screaming for
10 help over the radio.

11 Q Did you happen to arrest this drug
12 induced defendant?

13 A There were two defendants. I assisted
14 in one of the defendants. I transported one of the
15 defendants. I feel I definitely had assisted.

16 Q During the course of your transporting
17 the perpetrator, did you have occasion to interrogate
18 him?

19 A I didn't feel I was interrogated him.
20 I felt I was asking him pedigree information.

21 Q What was he arrested for?

22 A I don't exactly know, it was not my
23 arrest. The charges that were against the defendant
24 I was transporting, so I don't know. I know that
25 drugs were involved. I don't know if there was any

1 ARAZ ALALI

2 other outstanding charges against either of the two
3 defendants.

4 I would assume resisting arrests, being
5 they were fighting with the defendants.

6 Q Did you ask him any questions about the
7 incident?

8 A I don't presently recall.

9 Q Did you advise him of his Miranda
10 rights?

11 A Yes, I don't presently recall when.

12 Q Isn't it a fact that you advised him of
13 his Miranda rights after you asked him questions
14 about the incident?

15 A I don't believe so.

16 Q Did you discuss this command discipline
17 report that's reflected in Defendants's Exhibit GG
18 with Edward Hayes, before you declined to accept it?

19 A Yes.

20 Q Is there a reason that you discussed
21 this command discipline report with your PBA
22 representative, but you didn't discuss prior ones
23 with the PBA representative?

24 MR. LOVETT: Objection as to form. You
25 can answer.

1 ARAZ ALALI

2 A I don't recall not discussing other
3 ones, I just recall having discussed this particular
4 one with Edward Hayes, being it's a very recent
5 command discipline.

6 Q I'm going to show you what's been
7 pre-marked as Defendants' HH for identification and
8 ask you if you can identify that document?

9 A Yes.

10 Q Can you tell us what that is?

11 A It's a communication and a complaint to
12 Lieutenant Fortunato of the Internal Affairs
13 division, from me, regarding no back up provided for
14 an arrest.

15 Q You prepared this document?

16 A Yes.

17 Q And on April 20, 2007?

18 A Yes.

19 Q Looking at the bottom of the document
20 where it says, this harassment is based on my
21 heritage. Do you see that?

22 A Yes.

23 Q What was the basis for your belief that
24 this incident had anything to do with your heritage?

25 A It was really more than a belief. It's

1 ARAZ ALALI

2 knowledge of the fact that if you look at the date of
3 April 20, 2007, that was after the filing of the
4 federal complaint. I received no back up.

5 If you review any of the arrests with
6 any other officers, it's always, always, not maybe,
7 that another unit is sent to assist an officer during
8 an arrest.

9 At no time did they dispatch a unit to
10 assist me. I had to request and wait over ten
11 minutes and being in an area that was not, again, on
12 a main roadway and wait for backup to come. Wait ten
13 minutes, and ten minutes is a very long time and it
14 was only upon my request, several requests, actually.

15 Q I'm going to show you what's been
16 marked as Defendants' Exhibit II and ask you if you
17 can identify that document?

18 A It appears to be a personal history
19 questionnaire for the City of New Rochelle Police
20 Department.

21 Q Could you turn to the last page of the
22 document?

23 A Yes.

24 Q Do you see where it says, applicant
25 sign here?

1 ARAZ ALALI

2 A Yes.

3 Q Is that a photocopy of your signature?

4 A Yes.

5 Q This does appear to be an application
6 that you filled out for employment with the City of
7 New Rochelle Police Department?

8 A I believe so.

9 Q I'm going to show you what's been
10 pre-marked as Defendants' JJ for identification and
11 ask you if you can identify that document?

12 A Yes.

13 Q What is it?

14 A A letter from Commissioner Carroll
15 stating that I have been selected for employment by
16 New Rochelle Police Department.

17 Q I'm going to show you what's been
18 pre-marked as Defendants' KK for identification and
19 ask you if you can identify that document?

20 A It's a letter from Commissioner
21 Carroll, stating that -- my acceptance to the New
22 Rochelle Police Department.

23 Q I'm going to go show you what's been
24 pre-marked as Defendants' LL for identification and
25 ask you if you can identify that document?

1 ARAZ ALALI

2 A It appears to be a letter from the New
3 York State Retirement System.

4 MR. LOVETT: With an illegible,
5 apparent handwritten inscription below the words
6 director-disability processing.

7 Q Let me rephrase my question. Referring
8 to Defendants' LL, can you identify this document,
9 not including the illegible handwritten matter on the
10 bottom?

11 A No.

12 Q Do you recall ever receiving a
13 communication from the retirement system?

14 A I don't presently recall this one.

15 Q Did you ever apply for accidental
16 disability?

17 A Yes.

18 Q Do you recall when you applied for
19 accidental disability?

20 A I don't presently recall.

21 Q Was it while you were employed by the
22 City of New Rochelle?

23 A Yes.

24 Q Do you recall what accident the
25 disability referenced?

1 ARAZ ALALI

2 A It was an accident that I had when my
3 foot was caught in the rocks pursuing a burglary
4 suspect. My foot was trapped between some rocks when
5 I was in the water, affecting the arrest. I was
6 ordered to go down by Sargeant Jones.

7 Q Do you know what happened to your
8 application for disability?

9 A It was initially denied.

10 Q Was it ever ultimately granted?

11 A I, through rehabilitation, returned
12 back to work.

13 Q How long were you away from work, based
14 upon that disability?

15 A I don't presently recall.

16 Q Was it a matter of months?

17 A Yes.

18 Q Was it more than a year?

19 A I don't presently recall.

20 Q In reference to the denial of your
21 application for accidental disability retirement, did
22 you take an appeal?

23 A I don't presently recall. I don't.

24 Q I'm going to show you what's been
25 pre-marked as MM for identification and ask you if

EXHIBIT 29

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ARAZ ALALI,

PLAINTIFF,
07 civ. 2916

-against-

ALBERTO DEBARA, individually, KYLE WILSON,
individually, EDWARD AUSTIN, individually,
GEORGE MARSHALL, individually, HUMBERTO
MORRELL, individually, MATTHEW BRADY,
individually, ANTHONY MURPHY, individually,
ROBERT GAZZOLA, Individually, PATRICK J.
CARROLL, individually and the CITY OF NEW
ROCHELLE, NEW YORK,

DEFENDANTS.

-----X

DATE: March 14, 2008
TIME: 1:20 p.m.

EXAMINATION BEFORE TRIAL of the
Plaintiff, ARAZ ALALI, taken by the Defendant,
pursuant to a Court Order, held at the offices
of Wilson, Elser, Moskowitz, Edelman & Dicker,
LLP., 3 Gannett Drive, White Plains, New York,
before a Notary Public of the State of New
York.

1 A. Alali

2 from the time you were born until you were 7
3 years old?

4 A. Yes.

5 Q. When you moved to Pelham Manor, did
6 you move with your parents?

7 A. Yes.

8 Q. Are you an American citizen?

9 A. Yes.

10 Q. Were you born an American citizen?

11 A. No.

12 Q. When were you naturalized as an
13 American citizen?

14 A. I don't know presently recall.

15 Q. Do you have any other source of
16 information other than your own recollection as
17 to when you became a naturalized citizen?

18 A. Beyond citizenship paperwork and
19 naturalization paperwork.

20 Q. Do you have copies of that?

21 A. Not with me, no.

22 Q. But can you get it in your
23 possession?

24 A. No, not in my possession.

25 Q. Not necessarily here?

1 A. Alali

2 A. Right.

3 Q. You do have copies of that?

4 A. Absolutely.

5 Q. Do you know what year you became a
6 naturalized citizen?

7 A. I don't presently recall.

8 Q. Are your parents American citizens?

9 A. Yes.

10 Q. As I understand from your
11 complaint, you transferred to the New Rochelle
12 Police Department?

13 A. Yes.

14 Q. Prior to transferring to the New
15 Rochelle Police Department, how were you
16 employed?

17 A. As a police officer.

18 Q. Where was that?

19 A. City of New York Police Department.

20 Q. How long were you employed by the
21 City of New York Police Department?

22 A. Approximately 4 to 5 years.

23 Q. And prior to being employed by the
24 New York City Police Department, how were you
25 employed?

1 A. Alali

2 A. As a police officer.

3 Q. By whom?

4 A. Amtrak Police Department.

5 Q. How long were you employed by the
6 Amtrak Police Department?

7 A. Maybe 2 to 3 years.

8 Q. Prior to being employed by the
9 Amtrak Police Department, how were you
10 employed?

11 A. I was a student as well as working
12 at Neiman Marcus.

13 Q. While you were employed by the New
14 York City Police Department, were you, in your
15 opinion, ever the victim of discrimination
16 based upon your heritage?

17 MS. NICAJ: Objection. You can
18 answer.

19 A. I don't believe so.

20 Q. While you were employed by the New
21 York City Police Department, were you ever the
22 subject of civilian complaints?

23 A. Yes.

24 Q. While you were employed by the New
25 York City Police Department, were you ever

1 A. Alali

2 brought up on disciplinary charges?

3 A. No, I was not.

4 Q. Did you ever receive a command
5 discipline while you were employed by the New
6 York City Police Department?

7 A. No.

8 Q. Were you ever placed on modified
9 duty while you were employed by the New York
10 City Police Department?

11 A. No.

12 MS. NICAJ: Mr. Meisels, just for
13 the record, this deposition is limited
14 to the issue of qualified immunity for
15 the purposes of your making that motion;
16 is that correct?

17 MR. MEISELS: I'm not under oath.
18 I can't answer any questions, but I
19 will --

20 MS. NICAJ: I am asking is that
21 your understanding of the purpose?

22 MR. MEISELS: I can't advise you,
23 but my understanding is I think it's
24 privileged. If you have a comment to
25 make, please feel free to make it.

1 A. Alali

2 MS. NICAJ: No, privileged, the
3 issue is whether the deposition is on
4 the issue of qualified immunity. Is
5 that your understanding of today's --

6 MR. MEISELS: I said I'm not here
7 to answer the questions. I'm not under
8 oath anyway, so it wouldn't matter. If
9 you have an objection, state it.

10 MS. NICAJ: I am going to object at
11 this juncture to your line of
12 questioning with respect to Mr. Alali.
13 I am also going to be requesting a short
14 break, okay. There is no pending
15 question, right? I just want to make
16 sure there are no pending questions
17 before I take my break, okay.

18 (Short recess).

19 MS. NICAJ: I'm going to object to
20 this line of questioning as it concerns
21 I think it's on qualified immunity and
22 that is it, and I'm going to object and
23 advise him not to answer.

24 MR. MEISELS: I'm going ask
25 questions and if that be your advice, so

1 A. Alali

2 be it.

3 MS. NICAJ: Okay.

4 Q. Officer Alali, how many civilian
5 complaints were filed against you when you were
6 employed by the City of New York Police
7 Department?

8 MS. NICAJ: You can answer that.

9 A. I don't presently recall.

10 Q. Do you remember the substance of
11 those civilian complaints that were filed
12 against you when you were employed by the City
13 of New York Police Department?

14 A. I don't presently recall.

15 Q. When you applied for your position
16 with the New Rochelle Police Department, did
17 you disclose that you had been the subject of
18 civilian complaints?

19 MS. NICAJ: Objection. You can
20 answer.

21 A. Whatever was asked on the
22 application, I answered truthfully and
23 honestly.

24 Q. Do you presently recall the outcome
25 of any of those civilian complaints that were

1 A. Alali

2 lodged against you when you were employed by
3 the City of New York Police Department?

4 MS. NICAJ: Objection. You can
5 answer.

6 A. None of those complaints were
7 substantiated.

8 Q. I am sorry, could you read back the
9 answer?

10 (Whereupon, the referred to answer
11 was read back by the Reporter.)

12 Q. Do you remember how many complaints
13 were not substantiated?

14 A. All of the complaints.

15 Q. Do you remember how many that was?

16 A. I don't presently recall.

17 Q. Was it more than 5?

18 A. I don't presently recall.

19 Q. Do you recall whether those
20 complaints related to traffic stops?

21 A. Perhaps.

22 MS. NICAJ: Don't guess. If you
23 don't know, let him know.

24 A. I don't know. That was a long time
25 ago.

1 A. Alali

2 Q. Do you recall whether any of those
3 complaints involved allegations that you were
4 rude or discourteous to people you had stopped?

5 MS. NICAJ: Objection. You can
6 answer.

7 A. No.

8 Q. Let me understand your answer.
9 Your answer is you don't recall if it did or it
10 didn't?

11 A. I do not recall if it did or it
12 didn't.

13 Q. While you were employed by the
14 Amtrak police, were you suspended?

15 MS. NICAJ: I am directing him not
16 to answer that.

17 Q. While you were employed by the
18 Amtrak police, were you the subject of any
19 civilian complaints?

20 MS. NICAJ: I direct him not to
21 answer that.

22 Q. While you were employed by the
23 Amtrak police, were your duties modified for
24 disciplinary reasons?

25 MS. NICAJ: I direct him not to

1 A. Alali

2 answer that.

3 Q. Officer Alali, I am correct that
4 it's your position that you are a person of
5 middle eastern descent?

6 MS. NICAJ: Objection. You can
7 answer that.

8 A. Clearly, yes.

9 Q. You are. Could you explain what is
10 meant by the term middle eastern descent?

11 A. A person that is from that region.

12 Q. Are you from that region?

13 A. Yes.

14 Q. Can you tell me which particular
15 country you are from?

16 A. Yes.

17 Q. What country is that?

18 A. Iraq.

19 Q. Now, earlier didn't you testify
20 that you were born in Vienna, Austria?

21 MS. NICAJ: Objection. You can
22 answer.

23 A. That is where I was born. That is
24 not where I am from.

25 Q. Have you ever lived in Iraq?

1 A. Alali

2 A. No.

3 Q. Let me see if I understand that.

4 You never lived in Iraq but you are from Iraq?

5 A. Both my parents are from Iraq,
6 correct.

7 MS. NICAJ: Hence middle eastern
8 descent.

9 Q. In the term middle earth descent,
10 what other countries besides Iraq would be
11 included?

12 A. I don't have an atlas in front of
13 me, um, but clearly Iraq is the confines of the
14 middle east.

15 Q. Would a person say of Hebrew
16 descent be of middle eastern descent?

17 MS. NICAJ: Objection. Objection.
18 You can answer.

19 A. Yes.

20 Q. Is it your contention that no
21 person of Hebrew descent has ever been employed
22 by the New Rochelle Police Department?

23 MS. NICAJ: Objection. You can
24 answer.

25 A. Say the question again, please.

1 A. Alali

2 A. Not to my knowledge.

3 Q. Has there been a hearing as to the
4 second set of charges?

5 A. No, there has not.

6 Q. I would like to call your attention
7 to the period of time of February through April
8 2007. Can you tell me which tour of duty you
9 were working during that period of time?

10 A. February 2007 until when?

11 Q. April 2007.

12 A. Second tour.

13 Q. What are the hours of the second
14 tour of duty?

15 A. 8 a.m. to 4 p.m.

16 Q. During that period of time, can you
17 tell me who your immediate supervisors were?

18 A. The defendants that were named in
19 the lawsuit.

20 Q. Could you by name identify who your
21 immediate supervisors were from February until
22 April of 2007?

23 A. They are still, with the exception
24 of Lieutenant Al Debara, they are still the
25 same set of immediate supervisors. And by the

1 A. Alali

2 term immediate, do you mean first line
3 supervisors, second line supervisors?

4 Q. Who were your first line
5 supervisors from February to April 2007?

6 A. The same set of first line
7 supervisors that are presently supervising me
8 today.

9 Q. Who are they?

10 A. That would be Sergeant Kyle Wilson,
11 Sergeant Humberto Morrell, Sergeant Edward
12 Austin, Sergeant Matthew Brady. I believe
13 those would be the first line supervisors.

14 Q. Now, can you explain the procedure
15 of supervision, do all of those people
16 supervise you at the same time?

17 MS. NICAJ: Objection. You can
18 answer.

19 A. If you are referring to
20 specifically something else as an evaluation,
21 are you referring to supervision --

22 MS. NICAJ: If you are not sure
23 about the question.

24 A. Can you break the question down?

25 Q. Sure. As far as you understanding,

1 A. Alali

2 do all of the people who you just named
3 supervise you simultaneously?

4 A. If there they happen to be working,
5 yes. They are not all always working together
6 at the same time.

7 Q. So, are there any occasions that
8 you're aware of which would have occurred
9 during this period of time February to April
10 2007 where all of the people you mentioned
11 would have been working at the same time?

12 A. There is no way for me to know if
13 they were working at the same time.

14 Q. So you this is something you
15 couldn't recall?

16 A. I could not recall if they work at
17 the same. They do have days off, and the days
18 off do vary.

19 Q. Was it customary from February to
20 April of 2007 that all of the people who you
21 just identified would be working at the same
22 time?

23 A. Again, I can't tell you scheduling,
24 you know. They have varying schedules. Could
25 it be possible, yes. Do I personally recall if

1 A. Alali

2 every individual supervisor worked at the same
3 time, no.

4 Q. Would it be correct to say that
5 given the way this schedule works, that it
6 would be unlikely that all of those supervisors
7 would be working at the same time?

8 MS. NICAJ: Objection. You can
9 answer.

10 A. Yes.

11 MS. NICAJ: By the way, Mr. Alali,
12 unless I direct you not to do so, over
13 my objection, you can answer. Okay?

14 A. Okay.

15 Q. You had referenced a term called a
16 second line supervisor, am I correct, did I
17 understand you correctly?

18 A. Yes.

19 Q. Can you explain what you understand
20 that to mean?

21 A. It would mean -- that that to me
22 would mean the rank the lieutenant. First line
23 being sergeants.

24 Q. As far as you understand, are
25 lieutenants responsible for your direct

1 A. Alali

2 supervision?

3 A. Can you be more specific by the
4 word direct? Immediate, is that --

5 Q. That would be a fair
6 interpretation. Are lieutenants -- let me
7 rephrase the question. Is it your
8 understanding that lieutenants would be
9 responsible for the direct supervision of
10 police officers?

11 A. Yes, through sergeants.

12 Q. And could you explain what you mean
13 by the word "through"?

14 A. Ultimately the lieutenant is
15 supervising police officers sometimes on a
16 direct basis, sometimes through the first line
17 supervision which are sergeants; however,
18 lieutenants would be ultimately responsible for
19 the actions of both sergeants and police
20 officers and so on and so forth with the
21 hierarchy.

22 Q. Now, referring to that time frame
23 of February through April, 2007, do you recall
24 having any direct contact with Lieutenant
25 Debara?

1 A. Alali

2 A. Yes.

3 Q. Could you explain?

4 MS. NICAJ: Objection. You can
5 answer.

6 A. Numerous contacts I have had with
7 Lieutenant Debara. He was a lieutenant on the
8 second tour.

9 Q. Were there any circumstances during
10 that period of time where he was your direct
11 supervisor?

12 A. There was periods of time that he
13 would what we call in New Rochelle have a
14 meeting, inspect the memo book, take reports
15 occasionally, and instruct me to do various
16 tasks.

17 Q. During that period of time, did he
18 inspect your memo book?

19 A. I don't presently recall, but, yes,
20 he has inspected my memo book. I don't know if
21 during that period of time he has.

22 Q. Do you recall any specific
23 instances during that period of time whether
24 Lieutenant Debara took direct supervision of
25 you as a police officer?

1 A. Alali

2 A. There were times that he has taken
3 direct supervision of me. I don't know between
4 which periods. I could think of several
5 examples that he has.

6 Q. Could you explain?

7 A. One example comes to mind would be
8 when, I believe it was in 2007 -- and I am sure
9 the federal complaint could refresh my
10 memory -- that he had assigned me to a hospital
11 post.

12 Q. Do you recall are there any other
13 instances that you can recall besides that?

14 A. Yes.

15 Q. Could you tell us what those were?

16 A. Sure. There was a period of time
17 that he assigned me to do double parking on
18 Main Street, North avenue. He instructed me to
19 work in the capacity of a utility car, watch
20 suicidal prisoners, do jail escorts, and also
21 assigning me to foot post.

22 Q. Do you recall if those assignments
23 occurred between February and April of 2007?

24 A. They very well could have because
25 he did that frequently.

1 A. Alali

2 Q. But do you know whether they did or
3 they didn't?

4 A. Without any type of documentation
5 to refresh my memory, I couldn't be 100 percent
6 certain, but it would be likely that he did.

7 Q. The first thing that you
8 mentioned was -- let me back up a minute. Do
9 you know whether or not Lieutenant Debara was
10 ever aware that you had filed an EEOC charge?

11 A. I don't presently recall.

12 Q. Do you know whether or not
13 Lieutenant Debara was ever aware that you had
14 filed that first lawsuit?

15 A. Yes.

16 Q. And what do you believe that to be?

17 MS. NICAJ: Objection. You can
18 answer.

19 Q. I will rephrase the question. What
20 is the basis of your belief?

21 A. He told me.

22 Q. When did he do that?

23 A. After the filing of the lawsuit.

24 Q. What did, in words or substance,
25 what did he say to you?

1 A. Alali

2 A. In words or substance, that he
3 could not believe that I was filing a lawsuit
4 against him. He thought that it would be on a
5 friendly basis.

6 Q. Isn't it a fact, Officer Alali,
7 that he isn't a defendant in the first lawsuit?

8 MS. NICAJ: Objection.

9 A. I thought you are referring to the
10 second lawsuit.

11 Q. I am talking about the first
12 lawsuit. Let me clarify. Do you know whether
13 or not Lieutenant Debara was aware of the first
14 lawsuit that you brought?

15 A. Yes.

16 Q. What is the basis of your belief?

17 A. I told him.

18 Q. When did you do that?

19 A. I believe one of the times that we
20 had discussed it was when he assigned me to a
21 fixed hospital post, and I advised him of that
22 I believe what he was doing was harassment, and
23 I also further advised him that a lawsuit had
24 been filed.

25 Q. Can you tell me in words or

1 A. Alali

2 substance what you said to him about that
3 lawsuit?

4 MS. NIÇAJ: Objection. You can
5 answer.

6 A. I don't presently recall.

7 Q. Did he respond to you?

8 A. Yes. I don't -- a sarcastic
9 response. I don't remember exactly what it
10 was.

11 Q. During the period of February to
12 April 2007, did he assign you to a hospital
13 post on more than one occasion?

14 A. I believe so, yes.

15 Q. Could you explain what you mean by
16 a hospital post?

17 A. A hospital post is an assignment,
18 when a prisoner needs medical attention, to go
19 to the hospital and can't come directly back to
20 headquarters after being discharged by a
21 doctor. A police officer has to accommodate
22 that prisoner for obvious reasons.

23 Q. And is it correct that the person
24 who is assigned to that post has to be a police
25 officer?

1 A. Alali

2 A. Yes.

3 Q. What was the basis for your belief
4 that you should not have been assigned to that
5 post?

6 MS. NICAJ: Objection. You can
7 answer.

8 A. That post is usually reserved for 2
9 instances, one of them being for junior
10 officers. As of today's date, police officer
11 Kane who is a junior and quite possibly a
12 probationary officer was on a hospitalized
13 prisoner or it also -- the second instance is
14 it has been used for punishment purposes as
15 well when there is a senior officer that they
16 are punishing.

17 Q. In your opinion, in February to
18 April of 2007, were you a senior officer?

19 MS. NICAJ: Objection. You can
20 answer.

21 A. I was senior to numerous officers
22 that were working at that time. I was not the
23 most senior officer; however, there were junior
24 officers that were available, and it was
25 customary to give junior officers that

1 A. Alali

2 assignment, and coupled with the things that
3 were said during the assignment.

4 Q. Can you tell us who said those
5 things during the assignment?

6 A. Can I take a look at the federal
7 complaint?

8 Q. Sure.

9 MS. NICAJ: You didn't mark it?

10 MR. MEISELS: I have not.

11 A. Prior to looking at it, I know that
12 Lieutenant Debara has made comments, I know
13 that Sergeant Morrell has made comments, and I
14 know Sergeant Austin has made comments. When I
15 had inquired to why I was being sent on these
16 posts, there was comments made in conjunction
17 and me being send on the post, and the comments
18 that were made, it was clear that I was being
19 singled out.

20 Q. What I am going to do is just go
21 one by one. Let's just do the hospital post at
22 the moment. What comments were made by you
23 when you were assigned to the hospital post?

24 A. May I look at the federal
25 complaint, please.

1 A. Alali

2 Q. Sure.

3 MS. NICAJ: Let's mark this, then.

4 MR. MEISELS: Sure, I will be glad
5 to. Let's mark this, we're up to, that
6 would be Defendant's Exhibit double B.

7 (Whereupon, the aforementioned
8 complaint was marked as Defendant's
9 Exhibit BB for identification as of this
10 date by the Reporter.)

11 Q. Officer Alali, you can review that
12 and when you are finished, let us know and I
13 will proceed.

14 A. You are specifically talking about
15 the hospital post, Mr. Meisels?

16 Q. The question is what was said to
17 you at the time that you received the hospital
18 post that you just testified to?

19 A. Well, on February 21, 2007,
20 Lieutenant Debara, as I testified to earlier,
21 had assigned me to a hospital post on numerous
22 occasions. That was one of the occasions that
23 he assigned me to the hospital post that I was
24 referring to. On that date, there was junior
25 officers available as well who, you know,

1 A. Alali

2 should have been given the assignment but were
3 not.

4 Q. Excuse me. I would prefer that you
5 not read it. Refresh your recollection and
6 when you are ready to answer the question, you
7 could answer it.

8 MS. NICAJ: I'm going to object to
9 that characterization, and you can go
10 ahead, Mr. Alali.

11 A. On that date, I just testified to I
12 asked --

13 Q. Do you need to refresh your
14 recollection any further with the complaint?

15 A. Periodically I have to, yes.

16 Q. I will give it back to you when you
17 ask for it. In reference to the one question
18 that I asked you if you refreshed your
19 recollection.

20 A. Give me a moment and I will
21 continue to.

22 MS. NICAJ: Just review that entire
23 portion which relates to the incident,
24 and once you have done reviewing it, let
25 us know, okay?